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Volume II Number 2

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LEAGUE OF NATIONS

Compiled by
JULIA E. JOHNSEN

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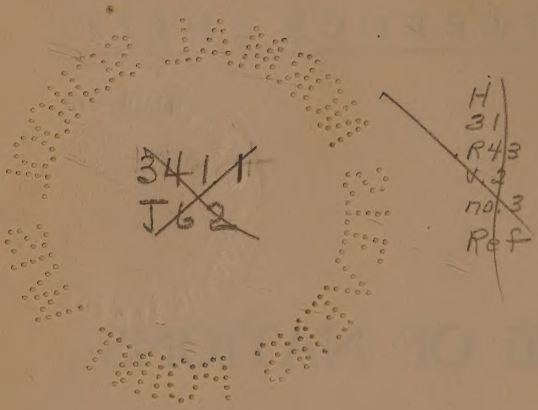

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INTRODUCTION

The League of Nations is the culmination of an age long dream arising from many minds and through many channels to firmly establish the world in peace. The devastation and horror wrought by the World War furnished an immediate occasion for the practical institution of this ideal in organized, workable form. Idealism was rife after the ordeals the spirit of the world had passed through. The Fourteen Points of President Wilson, upon the basis of which the Armistice was concluded, lifted high the hopes of mankind for the establishment of a just and durable peace. Among the proposals the fourteenth was for an association of nations "for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small nations alike.

The Preliminary Peace Conference appointed a commission consisting of representatives of fourteen nations who drew up the Covenant of the League of Nations, the revised draft being adopted on April 28, 1919. The League formally came into being on January 11, 1920 with the deposit of ratification of fourteen nations, membership since being increased to fifty-four.

Notwithstanding our leading part in its formation, and the large support given by its advocates and friends, when brought before the United States for adoption it encountered sufficient strong opposition in the Senate to cause its rejection after months of debate, although with a large majority in favor of it. The establishment of the Permanent Court of International Justice gave the opportunity to many to turn their hopes for international cooperation to this as a substitute for the League rather than as the complement it was intended to be. But

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regardless of the incidence of politics the League issue is an important one. Abroad it cannot be ignored as a vital factor in international relations. At home it represents to many the leading channel to a higher and more brotherly order of things between the peoples of the world.

The present Reference Shelf has been compiled in keeping with the established precedent of publications for the use of debaters, and aims to set forth impartially some of the leading facts and discussion on both sides of the question. It will also appeal to the general reader or student who may wish to inform himself on some of the arguments on the subject or to follow up the bibliographical suggestions for wider reading. The bibliography is selected, and references are arranged under general, affirmative and negative headings. The large amount of controversy on the subject from 1919 on precludes any attempt at completeness, and preference has been given to the more up-to-date material. This Reference Shelf practically supplements the earlier material published in the volume of the Handbook Series, A League of Nations, compiled by Edith M. Phelps, the fourth edition of which was published in 1919, but which is now out of print.

JULIA E. JOHNSEN.

December 17, 1923.

BRIEF

RESOLVED: *That the United States should enter the League of Nations.*

AFFIRMATIVE

I. It is a practicable world organization in line with our own ideals.
   A. It is practicable.
      1. It has settled controversies threatening to lead to war.
         a. The dispute over the Aaland Islands.
         b. The Upper Silesian question between Germany and Poland.
         c. The Albania boundary question.
         d. The controversy over Vilna.
         e. It influenced the peaceful settlement of the Corfu dispute.
      2. It has taken part in other important work.
         a. It repatriated over four hundred thousand prisoners of war.
         b. It gave aid to the starving in Russia.
         c. It prevented the collapse of Austria.
         d. It has established mandates over the German and Turkish colonies as a sacred trust for civilization.
      3. It is engaged in welfare promoting activities on a large scale.
      4. It has established the International Court of Justice.
   B. It is a world league.
      1. It comprises fifty-four nations represent-

ing over three-quarters of the world's population.

C. It is in line with our own ideals.
   1. We have long endeavored to establish international justice and comity between nations.
   2. We were directly responsible for its establishment.

D. It is constitutional.
   1. This is the opinion of ex-President Taft, of ex-Supreme Court Justice Clarke, of Mr. Wickersham, former Attorney-General of the United States, of ex-Senator Root, and others.

II. It would be beneficial in every way to enter the League.

A. It would be beneficial to us.
   1. It would give us back the prestige which we are now in danger of losing.
   2. We could better protect our interests.
      a. We would possess veto power in the Council.

B. Europe needs and wants us.
   1. The nations trust our disinterestedness and detachment.
   2. Our being in would better world conditions.
   3. We could make it an instrument of progress.
   4. Other nations would welcome our participation on any reasonable terms.

C. It is no menace to us.
   1. It is no super-state.
      a. It has not shown itself to be such in the period of its operation.

b. It cannot interfere with the sovereignty of its members.
   (1) It can only advise and recommend.
c. It has no army.
d. No foreign nations or league could ever violate our Constitution.

2. It cannot interfere with our domestic policies.
   a. The Monroe Doctrine is specially protected by Article XXI.
   b. We should be under no obligation to limit our armaments unless we assumed such obligation voluntarily.
3. We should not be called upon to assume international responsibilities against our will.
   a. Consent would rest with Congress.
4. Great Britain could not out-vote us.
   a. We are more likely to have the votes of certain countries, Cuba, Costa Rica, Haiti, Honduras, Nicaragua, Liberia, Panama, Salvador, than Great Britain would have assurance of the votes of her more independent colonies.
5. There is provision for withdrawal at the end of two years.

D. The present League with its imperfections is better than no League.
1. It is a long step toward real internationalism.
2. It can be perfected.
   a. There is provision for amendment.
3. No substitute is probable.
   a. The difficulties attendant upon discarding its settlements and machinery are too great.

b. The small nations are firm supporters of it.

4. It would be disastrous to have no channel such as the League provides.
   a. It is absolutely necessary for Europe.
   b. The alternative would be continual apprehension by the nations for their security, and unlimited increase of competitive armaments.
   c. The advance in the means of destruction of life and property menaces civilization itself in case of another war.

III. A policy of isolation is both futile and harmful.

A. It is futile to expect to stand apart from international affairs.
   1. We are forced to join world conferences, etc.
   2. Ties of trade, etc. bind us.
   3. We are represented unofficially on the anthrax and emigration commissions, the health committee, the committee on traffic in opium, and the committee on traffic in women and children, and our nationals have been and are engaged in other work of the League.
   4. We were forced into the European war and should be forced to do our part in any similar crisis.

B. Isolation is harmful.
   1. We injure our own interests.
      a. We deprive ourselves of the most effective means of guarding them.
      b. We encourage votes hostile to us, for
         (1) Our attitude is regarded as unfriendly.

2. Our non-participation is harmful abroad.
   a. It permits undesirable settlements.
   b. It blocks worthy causes.
3. It impairs the League's moral status.

C. There is no other effective channel for the work for which the League was constituted.
1. Conferences cannot be called promptly.
2. The world court is restricted to justiciable questions.
3. The outlawry of war can be carried on within the League.

NEGATIVE

I. The United States should not enter the League of Nations because it is a failure.

A. It is not a true instrument for peace.
1. It does not altogether prohibit war.
   a. It cannot interfere in all classes of war.
   b. In cases submitted to arbitration members only obligate themselves to abstain from war for a certain period.
2. There is no proof it could control any of the great nations if aroused.
3. Prevention, without going to the root causes of war, is of little avail.

B. It has not prevented war.
1. Eleven European states have resorted to arms since the Treaty of Versailles, eight of these being members of the League.
2. Its accomplishments have been insignificant in comparison with the crucial problems of Europe.
   a. The Aaland Island controversy was not important.

b. The Vilna dispute was a surrender to Poland.
c. The Upper Silesian settlement was of doubtful benefit.
d. The Ruhr problem, the Russo-Polish War, and the Greco-Turkish War were not touched.

C. It has been disappointing in its handling of mandates.
D. It has taken undue credit for humanitarian and other work.
1. Such work as Nansen's work for prisoners in Russia or for relief would probably have been done if there had been no League.

II. It is not the kind of an organization this country may properly join.
A. It is unsound.
1. It is undemocratic.
a. Nations are not equitably represented.
(1) It has refused to admit Germany, Russia and Mexico to membership.
(2) New nations are admitted only on terms imposed by the League.
b. The Council is intrinsically oligarchic.
(1) It is subject to no democratic control.
(2) It exercises three functions, executive, legislative, and judicial.
c. The Assembly has minor duties and no real power of check and balance.
B. It is an instrument for the enforcement of the Treaty of Versailles to which we cannot give our support.

C. It is a vehicle of politics.
   1. Diplomatic interests can block vital motions.
   2. The balance of power still goes on.
   3. Representatives represent governments, not the people.

D. It is dangerous to popular movements.
   1. It tends to maintain the status quo.

E. It would infringe our sovereignty.
   1. It will encroach upon our sole right to determine our foreign policy.
   2. It may encroach upon our domestic policy.
      a. It may construe commercial treaties as to the admission of immigrants, the tariff, etc.

III. Our membership in the League would be of little avail.

A. We would gain no personal advantage.
   1. As members we would not strengthen our interests.
      a. The requirement as to unanimity in the Council applies only to members other than the parties in the dispute.
      b. Since all nations have one vote in Assembly our interests would be insecure.
   2. We should find it difficult to withdraw.

B. We could not be of particular benefit to Europe.
   1. We would lose our moral influence abroad by changing from a disinterested nation trusted by all to a nation entangled in European diplomacy, problems, and intrigue.

2. We could give little help in European problems when our own problems are unsolved.
3. We would be likely to become a disturbing factor abroad, for
   a. We would be inclined to be dictatorial since we are the strongest nation economically.
   b. Our Senate would insist upon discussing foreign questions.
4. We would strengthen disruptive forces abroad by giving our moral support.

C. There are no lack of other means for cooperation with Europe, and for maintaining peace.
1. It is possible to call conferences whenever important issues arise.
2. The World Court is available.
3. Diplomatic channels are always open.
4. We can, without inconsistency, cooperate with some of the bureaus of the League.
5. War can and should be formally outlawed.

D. Our aloofness does not prevent our extending help to Europe in time of need.
1. We have given generously for philanthropic and other work.

E. Our non-adherence puts the League on its mettle.

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REPRINTS

WAR: ITS CAUSES AND CURE

Courts are essential to the maintenance of peace and justice. But courts alone are inadequate for this purpose. There must also be legislation and administration. This is just as true with regard to international peace and justice as in the realm of municipalities and states. Therefore, not only is an international court needed, international legislation and international administration are also essential.

At this point, however, we are confronted with gigantic difficulties, due to the fact that nations insist upon supreme sovereignty and refuse to admit that there is any higher law than their own interests and desires. This is the way tribes and cities formerly acted. For centuries barons maintained that their own will was sovereign and resisted all efforts toward national legislation and administration. Following our Revolutionary War, the thirteen states engaged in long and bitter controversy over their respective sovereign rights. Gradually, however, the sphere of legislation, adjudication and administration has widened and now embraces states and nations. We happen to be living during the period of violent antagonism to the proposal that this sphere should be widened still further to include the international field as well.

The real significance of the League, as has been pointed out by Mr. Arthur Sweetser, an American member of the Secretariat, is that fifty-two nations—including all the major powers except the United States,

[1] Reprinted from "War: Its Causes, Consequences and Cure," by Kirby Page, by permission of the publishers, George H. Doran Company. New York.

Germany and Russia—"have solemnly signed a short, simple round-robin agreement, first, not to go to war without arbitration or conciliation, and, second, to work together for the general betterment of world relations."

There are five ways in which the League seeks to avoid war: (1) By referring disputes to conciliation or arbitration by a third party; (2) by providing for a delay in beginning hostilities, pending a recommendation or decision; (3) by second and third attempts at arbitration when necessary; (4) by providing for an economic boycott against any nation which refuses to yield to the judgment of the arbitrator; (5) by resorting to common military action, as a last resort, against a recalcitrant nation.

The League possesses six essential mechanisms for achieving its purposes: an Assembly, a Council, an International Court, an International Labor Organization, various committees and commissions, and a permanent Secretariat. The Assembly is a great conference, where representatives of the various nations gather to discuss all manner of international questions. Its discussions are given wide publicity and help to bring about a better understanding of world problems. Out of such discussions are emerging those common judgments of the nations which we call international law.

The Council is the executive committee of the League. It meets frequently and is subject to call quickly when emergencies arise which threaten the peace of the world. At the present time the Council is far more powerful than the Assembly, and is dominated by two or three major powers.

The International Court has been discussed in a previous section. The International Labor Organization is composed of four representatives of each member nation, two representing the government and one each representing employers' associations and labor organizations. An annual conference is held, at which draft conventions

are agreed upon and submitted to national legislatures for ratification. Thus far the draft conventions submitted have dealt with the principle of an eight-hour day and a forty-eight-hour week, provisions against unemployment, the employment of women before and after childbirth, the employment of women during the night, the minimum age of employment of children in industry, the securing of a rest period of twenty-four consecutive hours for all workers in industry, etc. The International Labor Office has a permanent Secretariat and is bringing about a better understanding of labor problems and is helping to lay foundations upon which effective international labor legislation may be built.

Among the various commissions and committees of the League are the following: Governing Commission for the Saar Territory, Governing Commission for Danzig, the Upper Silesian Mixed Commission and various other plebiscite commissions, various commissions of inquiry, Permanent Mandates Commission, Permanent Armaments Commission, Committee on the Financial Reconstruction of Austria, General Committee on International Health, Committee on Intellectual Cooperation, Committee on the Suppression of Traffic in Women and Children, Committee on the Traffic in Opium, Committee on Repatriation of Prisoners of War, Committee on Russian Relief, Committee on Relief of Greek and Armenian Refugees, etc.

The Secretariat is a permanent civil service for the League. At the head there is a Secretary-General, assisted by a Deputy Secretary-General, two Undersecretaries, and a staff of three hundred members.

Some of the chief accomplishments of the League thus far are as follows: Assisted in the prevention of four wars —between Sweden and Finland over the Aaland Islands, between Poland and Germany over Upper Silesia, between Albania and Jugo-Slavia over a boundary line, between Poland and Lithuania—although it must be ad-

mitted that two or three of these settlements may not prove permanently satisfactory; the launching of the International Court; promotion of health, morals, education, labor legislation, and open diplomacy by the registration of treaties; the financial resuscitation of Austria.

This list is, of course, conspicuous for its omissions. *It does not include the major problems which are threatening the very existence of European civilization.* No friend of the League is justified in closing his eyes to the fact that thus far it has played a relatively minor part in international affairs. Such persons should give careful attention to the serious criticisms of the League which are being made by some of the ablest citizens of the United States and other countries. It is supreme folly to ignore the kind of criticism advanced by Miss Frances Kellor, who maintains that "eight member states of the League of Nations have resorted to arms in violation of Articles XI, XII, XIII and XV of the Covenant, none having first submitted its dispute to arbitration; and no member state has been penalized under Article XVI. Three states, under the administrative control of the League of Nations, have grievances of a grave character which the League has not submitted to judicial review; in one other state the League of Nations has validated an alleged injustice without inquiry or knowledge. Four member states of the League of Nations are in dispute over territorial rights, in which disputes the League of Nations has not intervened to secure a settlement by arbitral methods."

An evaluation of the relative successes and failures of the League to date is not, however, an adequate answer to the question as to whether or not it deserves and should receive the support of the citizens of the United States. Many of the criticisms of the League are undoubtedly justified. It should be pointed out, however, that many of these are not really criticisms of

the League so much as *they are criticisms of the various governments.*

The extreme sensitiveness of the various powers with regard to national sovereignty has been responsible for the withholding of necessary power from the League. This is exactly what has happened repeatedly in the evolution of law and government. It is the old story of individuals, families, tribes, cities and states being jealous of their sovereign rights and refusing to grant adequate power to social organization.

An almost exact parallel to the present fear of the League by sovereign nations is found in the attitude of the thirteen free and independent states toward the Continental Congress, following our Revolutionary War. Mr. James Madison, one of the men who had most to do with the adoption of the Constitution, said: "The principal difficulties which embarrassed the progress, and retarded the completion of the plan of confederation may be traced to—first, the natural repugnance of parties to a relinquishment of power; secondly, a natural jealousy of its abuse in other hands than their own; thirdly, the rule of suffrage among parties whose inequality in size did not correspond with that of their wealth, or of their military or free population; fourthly, the selection and definition of the powers, at once necessary to the federal head, and safe to the several members. But the radical infirmity of the Articles of Confederation was the dependence of Congress on the voluntary and simultaneous compliance with its requisitions by so many independent communities, each consulting more or less its particular interests and convenience, and distrusting the compliance of others."

In this connection, Professor J. B. McMaster has pointed out that "the state into which Congress had fallen was most wretched. Rudely formed amid the agonies of a revolution, the Confederation had never been revised and brought nearer to perfection in a sense of

tranquillity. Each of the thirteen states the Union bound together retained all the rights of sovereignty, and asserted them punctiliously against the central government. Each reserved to itself the right to put up mints, to strike money, to levy taxes, to raise armies, to say what articles should come into its ports free and what should be made to pay duty. Toward the Continental government they acted precisely as if they were dealing with a foreign power. . . Every act of that body was scrutinized with the utmost care. The transfer of the most trivial authority beyond the borders of the states was made with protestations, with trembling, and with fear. . . Delaware and Georgia ceased to be represented. . . The House was repeatedly forced to adjourn day after day for want of a quorum. On more than one occasion these adjournments covered a period of thirteen consecutive days. . . On the largest ballot the House could cast, six votes could make the question pass in the negative. It is not surprising, therefore, that Congress speedily degenerated into a debating club, and a debating club of no very high order. Neglected by its own members, insulted and threatened by mutinous troops, reviled by the press, and forced to wander from city to city in search of an abiding place, its acts possessed no national importance whatever. . . Congress possessed but the semblance of power. The states possessed the substance. Congress could merely entreat, persuade, suggest. The states could act."

The consequences of all this was described by Professor McMaster in the following words: "The newspapers were full of bankrupt notices. The farmers' taxes amounted to near the rent of their farms. Mechanics wandered up and down the streets of every city, destitute of work. Ships, shut out from every port of Europe, lay rotting in the harbors. The American name was insulted at every court. Would any person of sense declare, after beholding such a picture as this, that times

were not hard, that the country was not upon the brink of ruin, that a new and vigorous Federal government was not needed?"

Fortunately for the whole world, the thirteen states, after six dangerous years, recognized their mistakes and, *by voluntarily relinquishing certain of their sovereign rights,* formed a Federal union with real power.

The nations of the earth are now facing exactly this same issue with regard to the League. The world is now a unit—politically, economically, hygienically, intellectually and morally. Therefore, corresponding world organization is essential. Four steps are imperative if the League is to function effectively: 1. The inclusion of all nations in its membership, with Germany and Russia assured an equal place with the Allied powers. 2. Less domination by the leaders of two or three great nations and an increasing degree of democratic control. 3. The outlawry of war and the demobilization of huge armies. 4. The willingness of the nations to strengthen greatly the powers of the League and to abide by its decisions.

Criticism of the Continental Congress for not solving the problems of the thirteen states was just as reasonable as criticism of the League for not solving the major problems of the hour, such as the Ruhr, Reparations, Corfu, etc. The nations, by refusing to recognize that the world is now a unit, may withhold adequate power from the League and continue to disregard its decisions —as the thirteen states once treated the Continental Congress. But if they do, there can be only one outcome: continued hostility, further wars, and the destruction of civilization. There is, therefore, no alternative to the creation of effective international processes of justice—legislation, adjudication and administration—save war and desolation.

RUNNING SANDS[1]

"The sands are running out, and unless some strong hand can even now clutch Europe and rescue her from the slope down which she is slipping, the catastrophe of peace may yet become far greater than that of the Great War."—
General Smuts.

Let us remember that circumstances have had much to do with the commanding position we hold today—even though we have chosen, for the moment, not to use it. Previous to 1914 there were seven powers of the first class, but before the war closed it became reasonably clear that there would be but two outstanding nations left. By reason of her position, her population, her natural resources and her wealth, the United States was certain to be one of these, and Germany or Great Britain was certain to be the other. If Russia had not been broken by revolution she would have more than held her pre-war eminence, and, holding it, would also have held France in the front rank. If a strong Imperial Russia had survived the havoc of war and had continued her relations with France, together they could have dominated Continental Europe and the greater part of Asia. In this event, the United States would not have been the commanding figure she is today. Therefore, it may be said that by accident of circumstances rather than by design we find ourselves the world colossus.

In thinking of Europe's problems, which have inevitably become our problems, the people of the United States should bear in mind the responsibility which our position has forced upon us. The view taken by many of our citizens that Europe should be left to work out her own salvation in her own way would be tenable if we were dis-

[1] From article by Edward M. House. Foreign Affairs. 1 : 1-8. June 15, 1923.

cussing Europe prior to 1914. Unhappily, a shattered Europe confronts us. With three of the great Continental powers disintegrated, our importance and responsibility are vastly augmented. We must face the facts as we find them, not as we may wish them.

The question arises, now that we have the power, what shall we do with it? Our isolationists believe it should be used solely for our own protection, and that we should go our way leaving the rest of the world to go theirs. There is a certain appeal in such a program, which many would like to follow if it were possible. Fortunately, or unfortunately, as the view may be, it cannot be done. In this Year of Our Lord, 1923, we can no more ignore other nations than one ward in a city can ignore other wards of that same community. The first ward may say that the second ward is unsanitary and deserves the cholera and typhus which has come to it, and that it will do nothing to help. But when cholera and typhus spread into the first ward, then it must in self-protection lend its aid.

That is the position of the United States today. We are staying our powerful hand, declaring that a devastated and disease-stricken Europe must save itself.

The drifting of our government in the direction of complete isolation illustrates certain peculiar phenomena of politics. When President Wilson returned home from Paris with the Treaty of Versailles perhaps 80 per cent of our people were heartly in favor of the League of Nations in some form. A wealth of evidence supports this statement. If we go back to the late summer and autumn of 1919 we find the churches and social organizations throughout the United States urging ratification of the Treaty, and largely because of the League. A special committee of the American Bar Association urged unqualified ratification of the Peace Treaty at the annual convention at Boston, September 4, 1919. The Massa-

chusetts Republican Convention in session at Boston, October 4, 1919, unanimously passed a resolution favoring: "Prompt ratification of the Treaty of Peace, without amendment, but with such unequivocal and effective reservation as will make clear the unconditional right of the United States to withdraw from the League upon due notice; as will provide that the United States shall assume no obligations to employ American soldiers and sailors until Congress shall, by a resolution, so direct; as will make it clear that no domestic questions, such as the tariff and immigration, will be taken from the control of the United States, and that the United States shall be the sole judge as to the interpretation of the Monroe Doctrine. There must be no abridgment of the sovereignty of the nation, of the control of its own domestic affairs, or of the maintenance of its national policies." Labor and commercial organizations in all parts of the country followed. Never was greater pressure brought to bear upon a legislative body than was brought to bear upon the United States Senate to pass in some form.

Then came the irreconcilable conflict between the legislative and executive branches of our government. The President was determined to have his way, and the Senate were equally determined to have theirs. Unfortunately, the Senate had the power to compel the President to yield or lose confirmation of the Treaty, and equally unfortunately, he refused to give way. As far as his approach to the Senate was concerned, in my judgment, the President's purpose was impeccable but his manner unfortunate.

Once in politics, the League became its football. It was kicked hither and thither, the public mind became confused and all sense of justice and proportion was lost. The fears of women and the cupidity of men were played upon in the electoral campaign and the worst apprehensions of those who desired to keep such a question out

of politics were realized. Nevertheless, the League was not the determining factor in the campaign. The Paris Peace Conference, its prelude and its aftermath, which had aroused the nationalistic susceptibilities of Germans, Irish, Italians, and Greeks in Europe, affected those of the same race in this country and they voted *en masse* against the Democratic nominees. The reasons for this are obvious, but that their judgment was hasty and mistaken is becoming every day more certain. The high cost of living and the inevitable complaints of post-war conditions combined to give the Republicans a record-breaking majority.

So easily does misunderstanding and prejudice grow that although the League is but an infant a few years old, already two phantom Leagues, figments of the imagination, have been created, the one submerging nationalities and dominating them as a super-state, the other a spineless, ineffectual society which fails to intervene when necessary and refuses to do the impossible. Meanwhile the real association of fifty-two nations is functioning at Geneva, moulding opinion toward the ways of peace and striking at the heart of social and hygienic evils which have become a menace to the general welfare.

Some two years ago in *La Revue de Geneve* I wrote: "If war had not come in 1914 in fierce and exaggerated form the idea of an association of nations would probably have remained dormant, for great reforms seldom materialize except during great human upheavals. The world has grown but slowly into its present partially civilized condition. It took a long time to overcome the belief that might was right, but it is now conceded that the physically strong must not oppress those weaker than themselves. The more advanced nations have laws recognizing the sanctity of property and the protection of person, but international laws and ethics have not kept pace with intra-national laws and ethics. It is no longer possible to kill the individual man and appropriate his

property without being liable to immediate and drastic punishment. It is this intrastate code of laws and morals that the League of Nations is seeking to apply to the international situation. If law and order are good within states, there can be no reason why they should not be good between states. Nations were driven to adopt restrictive and restraining laws in order that their people might live and enjoy the benefits of industry, and the great war has forced them for the same reasons to band together for mutual help and preservation. If this is not done we must perish, and, necessity being the mother of invention, we shall find the way. If the Covenant is weak in places it must be strengthened as time goes on and as the exigencies of the occasion demand, but it must never cease to function if civilization is to advance and not disappear."

Had Governor Cox been elected President in 1920 the French would not be in the Ruhr in 1923, and enlightened Germans are now beginning to realize this. With a President committed to a policy of keeping our hands on the plough until the furrow had been run, we could have been as powerful in winning the peace as we were in winning the war. The League of Nations has done its best toward stabilizing Europe, and could have succeeded plus our help; and that we refused. In consequence our moral prestige has fallen throughout the world.

The Versailles Treaty *per se* is no better or worse than treaties framed under like circumstances usually are. It is quite possible to conceive a much better treaty, but it is doubtful whether it would have been possible for the American President to make it better fighting single-handed as he did and under adverse conditions. Let it be remembered that his political party had lost control of both the Senate and the House of Representatives and that the treaty-making power was only partially in his hands. It is unfortunate, on the one hand, that he did

not realize this more completely; on the other it is unfortunate that the opposition party did not take a broader and more patriotic view of the situation.

The views held by the Americans at Paris were quite frankly different from those held by their European colleagues, and, being different, the European representatives took courage and comfort from cabled despatches and articles coming from the United States, stating that President Wilson need no longer be taken seriously since he had lost the power to enforce his decisions.

At the beginning, and during the first half of the war, the governments of France and Great Britain were manned by liberals, and if they had been around the peace table they would have seen eye to eye with Wilson. But when the war closed these liberals had mostly been shaken out of both governments and their places taken by virile conservatives under the able leadership of Lloyd George and Clemenceau. Advanced liberals in every country hoped until the last moment that Wilson would insist upon a righteous peace; and, failing that, would return home without giving his sanction to a treaty of another sort. But if he had done this he would have left the world in greater confusion than it now is, and he would have had but little support from our people and less from the Senate. He might have been a little less yielding at Paris and a little more yielding at Washington if he had realized that the situation was no longer wholly in his hands. George and Clemenceau did not sense the real situation any more than Wilson, and he might have safely forced them further toward his point of view. On the other hand the result would probably have been the same, for the Senate were plainly waiting to deal him a mortal blow, and chose the Covenant as the most convenient spot to strike.

Nevertheless, taking the Treaty as it is, it could have been made a workable and efficient instrument for peace

had we done our part. Among those who know there is absolute agreement that the crux of most of the trouble that has arisen since the armistice was signed is France's fear of Germany, not immediate, but eventual. Failure to pay reparations has been the apparent cause of the controversy, but the real cause is the fear of Frenchmen that when Germany is in condition to pay she will also be in condition to discontinue payment, and, should it suit her plans, to invade France again.

That was the situation which confronted the American delegates in Paris and that is the situation today. There is but one solution and that is to guarantee France, and accompany the guarantee by a demand that a just sum shall be fixed for reparations, a sum which Germany can pay. Clemenceau, Wilson and George agreed upon the sensible and the reasonable plan to accomplish this result, and the Anglo-French and the Franco-American Treaties were formulated and signed. The mere existence of a treaty of guarantee would in itself be sufficient to keep Germany from embarking on another adventure like that of 1914; Great Britain and the United States would never be called upon to fulfill their guarantees. Had the Senate ratified both treaties placed before it, with the League of Nations in force to modify and adjust unfair provisions of the Versailles Treaty, a different world might exist today.

The United States, after having risen to heights of courage and idealism in its entry and prosecution of the war, has gone to the other extreme in the making of peace. For taking this course history will probably be even less sparing of us than our present-day critics.

But while the United States of today is not the United States of yesterday there are unmistakable indications that she is also not the United States of tomorrow. The courage and selfishness which were the compelling influences that brought us into the war are but latent, and will leap forth under proper leadership,

After 1917-18 Europe will scarcely make the mistake of thinking that we are as timid and selfish as our present attitude would indicate. Our people, native and foreign-born, cherish the belief that this Republic was created to become an instrument for the betterment of man, and not merely a pleasant and safe abiding place. They will not be content until the United States has again assumed the leadership and responsibilities in world affairs commensurate with her moral, economic and political position.

LEAGUE ACTION EFFECTIVE[1]

The League of Nations seems destined to live a troubled, fateful existence. Until just before the Fourth Assembly was scheduled to meet on September 3, the annual "dress parade" of the institution promised to be about as insignificant a meeting as any of the several hundred gatherings held by an extremely active organization. And then, unexpectedly, it became almost epoch-making. The famous ultimatum and occupation of Corfu created a situation at Geneva which for the first time tested the League machinery against a so-called first-class power.

The Assembly of the League, from its opening on September 3 to its closing on September 30, never touched that situation directly, but the existence of the crisis affected its whole work, and the fact that it was in convention profoundly affected the result. As compared with other assemblies, the plenary meetings were fewer, because in effect the member states insisted on discussing the Greco-Italian affair, yet did not want to force discussion before the situation was ripe for consideration. On the other hand, the delegations of the forty-seven countries represented were unanimous respecting the general course of action to be followed and also unanimous in

[1] From article League of Nations Works for Disarmament, by Denis P. Myers, Corresponding Secretary and Librarian of the World Peace Foundation. Current History Magazine, New York Times. 19 : 180-4. November, 1923.

their opinion of the contingent resort to force represented by the occupation of Corfu.

For a month the Italian delegation at Geneva was isolated by the force of public opinion. For the first time no Italian was given either a vice-presidency or committee chairmanship, so that the Rome government had no voice in the management of the Assembly. Opinion was so tense that no Italian ventured to address the Assembly. The committees were exceedingly skeptical of the good faith of any Italian proposals, and almost seemed to take pleasure in picking flaws in them and voting them down. In an international gathering of the representatives of forty-eight states, one of the great states, having emphasized by action that it was a "power," found itself a nonentity.

The actual Greco-Italian question as it came before the League was handled by the Council, and there was never any possibility of regarding it as involving the use of force because the appeal was made under Article XV, that is, under the conciliatory procedure clauses. The significance of the alignment described is therefore to be found in the manner in which that procedure worked. No responsible person at Geneva ever considered it possible or desirable either to make threats or use force There was absolutely no suggestion of a super-state in being or in action. Instead, there was a serious effort to develop the process of agreement within the scope of the general principles of mortality binding upon all nations. The machinery for reaching such agreement was unexpectedly and vigorously impeded by Italy, with the result that questions of fundamental importance were put forward for settlement so as to clarify and strengthen the machinery for the future.

From the League point of view the Greco-Italian crisis proved that it is an efficient channel for mobilizing the right kind of opinion, that it is capable of mollifying

extreme attitudes and of affecting beneficially the regular methods of diplomacy, that it seeks peace by agreement rather than its own "prestige," that though its machinery is still undeveloped, the League is not developing in the direction of a super-state, but rather toward a concert of conciliation.

The position of the League in the Greco-Italian affair was not understood even in Geneva. There was an expectation of dramatic action, an expectation that the institution would uphold its own "prestige" and assert its opinion regardless of opposition, possibilities which were at no time permissible under the Covenant of the League, and which to the careful students of international affairs who were present at the Assembly seemed to be undesirable in themselves. A diplomatic success of a cooperative society against one of its members which was at the moment striving to free itself of control would be anomalous in terms. What was aimed at was, first, to prevent the peace from being actually broken, and, second, to insure the setting of a good precedent for the future. No one who reads the Assembly proceedings of September 28 can be in doubt about the sentiment of fifty-three nations of the world concerning the future, and the remarks on that occasion certainly did not give Italy or any other member state any encouragement to rebel against the authority of the League a second time.

AMENDED CONVENANT OF THE LEAGUE OF NATIONS[1]

It is necessary to consider the exact nature of the proposals which the League Covenant makes in order to ascertain how far they are likely to improve international relations and to what extent the objections advanced may

[1] From article by Thomas Raeburn White, Esq., Philadelphia. Annals of the American Academy. 84 : 177-93. July, 1919.

be just. The League Covenant contains so many separate articles framed in technical language that it is confusing to consider it article by article; it will be much simpler to consider the proposals, stated rather as objects of the Covenant. Having regard to the restraint or compulsion imposed upon the members of the League, the basis of the objections now urged, the proposals of the Covenant may be divided into two classes: First, those whereby a nation binds itself to do or not do certain specified things, either absolutely or under certain contingencies; second, those whereby a nation agrees to be bound by the action of an institution set up by the League.

Those provisions of the Covenant merely offering opportunity to league members to take voluntary action along certain lines, but without compulsion or relating to matters to be hereafter dealt with by the League, are not discussed, as not open to the objections now under consideration.

I. Obligations Imposed Upon League Members by the Binding Force of the Covenant

A. Enforced Examination of International Disputes and Delay Before Commencing Hostilities

Many of the terms of the Covenant relate to one great purpose—to compel nations before commencing war against each other to submit the cause at issue to the examination of an international court or council, as the case may be, and to delay hostilities at least three months after the decision has been rendered.

This obligation, imposed upon all members of the League by the binding force of the Treaty, is entirely apart from any duty to obey the decree of a court or the recommendation of a council—a matter to be separately considered. The requirement of an examination of the dispute and the enforcement of a delay which altogether would not be less than nine months after the public state-

ment of the case to court or council would be almost certain to prevent war in most cases. The examination of facts clears away misunderstandings, discloses the falsity of claims made without foundation, and lays bare the hypocrisy of states masking aggressive aims under pretended grievances. Even more important is the necessary delay after the case has been stated to the world. The delay gives time for the passions to cool, for the cost to be counted and for that element of the community opposed to the war to make its influence felt. Time always makes for peace; it is the great pacificator, as well as the great healer. It has been said, and truly, that if but a few days had been given for discussion, after the opening scenes of the late war, it probably would have been averted altogether. It is as near a certainty as human intelligence can foresee, that, if the provisions of the Covenant on this point are enforced as written in the Treaty, the probability of war will be much diminished.

This is admitted by the opponents of the League, but objections have been heard to the method of enforcement. It is recognized that in order that the Treaty may be of binding effect, all members of the League must agree to enforce it. It is objected, however, that the Treaty would bind the United States to send its armies abroad, even if the cause they were summoned to support was not a just one; that the United States would be obliged to fight but could not decide for itself upon which side.

If a nation should violate this Covenant and attempt to use violence in the furtherance of its own ends, without submitting its cause to court or council, as provided by the Treaty, there could be but one side. The use of violence under these circumstances would not only be a gross violation of a solemn obligation—it would be a disturbance of the peace of the world, which the United States, as well as all other nations, would be bound to condemn and oppose. But although a term in the Treaty

obligating the United States to send troops for such a purpose might well be defended, there is no such obligation in the Treaty. The stipulations regarding this matter are contained in Article XVI. The members of the League agree, in the event of such violation, immediately to subject the offending state

> to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking state and the prevention of all financial, commercial or personal intercourse between the nationals of the covenant-breaking state and the nationals of any other state, whether a member of the League or not.

This is the extent of the absolute undertaking of any member of the League. It agrees to treat the offending state as an outlaw, so far as commercial or social intercourse with it is concerned; it does not agree to take up arms against it. The article, however, proceeds:

> It shall be the duty of the Council in such case to recommend what effective military or naval force the members of the league shall severally contribute to the armed forces to be used to protect the covenants of the League.

This is no more than a provision for a recommendation by the Council. The members of the League do not agree to furnish the armed forces recommended or any armed forces for the purpose of subduing the offending state. It is probable that such forces would be furnished by the United States, but Congress would have to decide in favor of it before it could be done; and, if not done, it would be no violation of the Treaty. It is therefore apparent that the supposed obligation to furnish troops regardless of the character of the controversy does not in fact exist.

There is nothing new in the character of restraint voluntarily submitted to by the United States under these terms of the Covenant. It is our settled practice to make treaties with other nations, agreeing to submit disputes to examination and decision and to allow a specified time

to elapse before hostilities are begun. To enter into a general treaty of that character with substantially all the other nations of the earth would be no departure from this practice, but a continuance of it. In so doing, the United States should be willing to assume its full share of the burden of enforcing the Treaty However, the obligation to do so under the terms of this Covenant, goes no further than to require the exercise of what is commonly called economic pressure, and calls only for the use of troops or ships of war as a result of the recommendation —not the command—of the Council and only in case the properly constituted authorities of the United States so decide.

B. Limitation of Armaments

Another obligation which the members of the League enter into by the terms of the Treaty relates to the limitation of armaments. It is recognized that the burden of maintaining great armies and navies, which has rested so heavily upon Europe, is not only an unnecessary and gross imposition upon the people, but that "the maintenance of peace will require the reduction of national armaments to the lowest point consistent with national safety."

The members of the League agree to disclose to each other the condition of their industries which are capable of being adapted to war-like purposes, and the scale of their armaments. They agree that there shall be full and frank interchange of information as to their military and naval programs. There is no restriction upon the members of the League as to the size of their armaments until after they have themselves agreed to the restriction. The Council is to determine what military equipment and armament is fair and reasonable for each nation. This determination, however, is not binding upon any state unless and until the state accepts it by its own free act.

Thereafter, not on account of any action of the Council, but by the express terms of the Treaty, the state agrees not to overstep the limits which it has itself accepted.

These provisions are so reasonable and lend themselves so plainly to the preservation of peace, that no opponent of the League has come forward to object to them.

c. Publicity of Treaties

Another provision by which the members of the League are bound is that they will make their treaties with one another public; and that no such treaty or international engagement shall be binding unless registered in the manner provided by the League, so as to become public property.

This provision cannot fail to have a beneficial effect upon the relations existing between states. Secret treaties have been at the bottom of many wars. And while secret agreements cannot, perhaps, be prevented by this term of the Covenant, the very fact that they are declared to be not binding will deprive them of much of their injurious effect upon international politics.

d. Guaranty of Territorial Integrity and Political Independence

Article X of the Covenant, which has raised so much controversy, provides that the members of the League

> undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all states, members of the League. In case of any such aggression or in case of any threat or danger of any such aggression, the council shall advise upon the means by which the obligation shall be fulfilled.

Several serious objections have been advanced against this article. Perhaps the most serious is that a positive obligation by the United States to protect the territorial integrity of a member of the League against external aggression obligates the United States to defend by force

of arms any such aggression against that state. This, it is said, would have the effect of compelling the United States to send troops abroad in obedience to the Treaty on all such occasions and whether it believed the cause of the attacking state to be just or unjust.

It has been suggested in reply that the effect of this clause of the treaty is no more than to reenforce the provision of Article XVI—that members of the League will oppose by economic pressure, and, if they so decide, by armed force, a state which has refused to submit its case to court or council. This is not quite accurate, however, as a case might arise in which a state had submitted the dispute to court or council, had given the requisite delay, and still insisted upon proceeding with a war which would violate the political independence or territorial integrity of a member of the League. It might do this under circumstances which would not be a violation of the Covenant (as where there was no unanimous recommendation of the Council) and, therefore, the members of the League would not be bound to oppose it under Article XVI. They might, however, be called in under Article X to defend the state attacked because its territorial integrity or political independence was threatened.

It has also been objected that the apparent effect of Article X would be to maintain permanently the political organization of the world in the way it is fixed at the conclusion of this war, which is an impossibility. Nations live and die like human beings; they have their beginnings, their periods of greatest prosperity, and their periods of decline. In all human probability nations will rise and fall in the future as they have in the past. This necessarily means that political control of territory will change, and in some cases political entities will cease to exist.

It is apparent on examination that Article X rises like a lone peak above the other provisions of this covenant.

It is in effect an absolute prohibition of war for territory or for the destruction of a political entity. It would be only a short step beyond this to forbid war altogether for any purpose, and require all states to use legal methods in acquiring objects which they may have in view. That this principle will sometime be established is a certainity. It is, however, a serious question whether it can precede the establishment of an international court and the acceptance of the principles of international law as governing relations between states. Before a prohibition of war for these or any specified objects can be made effective, there must be in actual operation another and better means of adjusting international differences. You cannot prohibit change by law. You can require change to take place only in accordance with certain rules or principles, but these principles must be recognized as applying in such cases and competent tribunals must be in existence ready to enforce them before all other means of change can be effectively forbidden. When an international court has become well established and has demonstrated its ability to decide international questions judicially—and not merely by way of compromise—and when the principles of international law are better settled and are recognized as really having the force of law, a prohibition of war will be more likely to be effective. Until that time such a prohibition as is contained in this guarantee of territorial integrity and political independence of the members of the League must be considered somewhat as a temporary provision intended to preserve existing conditions for a limited time only. It was no doubt in recognition of these facts and mainly on account of Article X that the provision was inserted enabling a state to withdraw from its obligations upon giving two years' notice.

It would clearly be appropriate as a part of the Treaty of Peace for the signatories to guarantee the boundaries fixed by the Treaty for at least a temporary period; such

guarantees to be enforced by the states in the best position to do so. It might have been better if Article X had been inserted in the Treaty of Peace, but in view of the possibility of amendment and the opportunity to withdraw on two years' notice, its inclusion in the Covenant is not sufficient ground for rejecting it. The Treaty of Peace and the Covenant will be adhered to by the same nations in the first instance, and after all, it is not a vital objection that this guarantee is included in the one rather than in the other.

Moreover, it should not be overlooked that the Covenant contemplates the establishment of an international court and that the Assembly will be competent to deal with questions of international law. It is, therefore, not too much to hope that when the new system is placed in operation, prompt steps may be taken to establish an international court and to develop international law, so that within the course of a few years machinery will exist capable of dealing with disputes between nations involving questions of territorial integrity or political independence. Thereafter the inclusion of Article X as a permanent obligation in the Covenant for a League of Nations will be no longer objectionable.

II. Compulsion or Restraint of League Members Through the Action of International Institutions

A. Decisions of an International Court

Although it goes beyond existing practice in some particulars, the Covenant is far behind in the matter of the judicial settlement of international disputes. This matter has been especially pointed out by Senator Root. The United States has so frequently submitted questions of great importance to the decision of international tribunals, that it has become our usual practice. We have

not only submitted questions of minor importance, but many which were distinctly of major importance, involving questions of the class commonly described as those which concern the honor, the vital interests or the independence of states. Among such may be mentioned the Geneva Arbitration over the Alabama claims, the numerous boundary disputes between the United States and Great Britain—especially in connection with the Canadian boundary—and the fisheries cases. The United States now has many treaties with other nations providing for the submission of questions arising between them to judicial examination and decision.

This shows the trend of modern thought toward the inevitable conclusion that questions arising between independent nations should be decided according to principles of right and justice rather than by violence. Experience has demonstrated that there is no insuperable bar to the judicial decision of such questions, even though involving what has been termed the honor and the vital interests of the contending powers.

b. Recommendations of the Council or Assembly

The Covenant, although not really requiring the submission of any question to judicial decision or arbitration, does undertake to require the submission to the Council or to the Assembly of all questions not submitted to arbitration. The question, therefore, arises how far and under what circumstances will a nation be bound by the recommendation made by the Council or Assembly? There is no compulsion or restraint of any kind unless the decision is unanimous, excluding the parties to the dispute. If the recommendation is so made, the only compulsion which then rests upon the parties involved in the dispute is by virtue of their agreement that neither will go to war with the other, if it has complied with the recommendation. It is further provided that if either

party refuses to comply "the Council shall propose measures necessary to give effect to the recommendation." This last is obviously a mere statement that further proposals may be made by the Council; there is no agreement by the parties to obey the recommendation and no agreement by the other League members that they will require them to do so. If there is no unanimous report, the only restraint upon the parties to the dispute is to await the proper time before beginning hostilities, if they are determined to use force.

It is this article, which has aroused so much discussion and so much opposition upon the supposition that it threatens serious interference with questions of domestic policy or with foreign policies, such as the Monroe Doctrine. As to domestic policies the matter is dealt with by the amended article, which provides:

> If the dispute between the parties is claimed by one of them and is found by the Council to arise out of a matter which by international law is solely within the domestic jurisdiction of that party the Council shall so report and shall make no recommendation as to its settlement.

In case, therefore, a domestic question is involved in a dispute, such as, for example, the policy of a state regarding immigration, it will not be considered by the Council if it finds the question to be one solely within the domestic jurisdiction of either party. This decision must be unanimous to be effective, but if not unanimous, and the Council proceeded to consider the case, the member of the Council who found that the question was of a domestic character, would undoubtedly refuse to agree to the recommendation as being beyond the jurisdiction of the Council. It seems clear that if a question is one which can fairly be said to be of a domestic character, and if one member of the Council finds that it is of such character, there will be no unanimous recommendation, and therefore no compulsion regarding that matter. It is therefore

evident that there is no danger of domestic questions being interfered with under the terms of the amended Covenant.

A clause is also included in the amended Treaty which is intended to exclude cases involving the Monroe Doctrine from consideration by the Council. This is in the form of a separate article, which reads as follows:

> Nothing in this Covenant shall be deemed to affect the validity of international engagements such as treaties of arbitration or regional understandings like the Monroe Doctrine for securing the maintenance of peace.

If it be admitted that the Covenant endangers the Monroe Doctrine, it must be confessed that the provisions of Article XXI do not clearly remove the danger. If it be assumed that the validity of the Monroe Doctrine is not affected by anything contained in the Covenant, it does not necessarily follow that the doctrine would be recognized and enforced in all cases. For example, if Germany should undertake to acquire territory in the Western Hemisphere by purchase and the United States should object, a dispute would exist, to which the United States, Germany and the owner of the territory about to be acquired, would be parties. The United States would base its objections on the ground that the acquisition of the territory would be a violation of the Monroe Doctrine and a menace to its safety. The provision of Article XXI is not a clear statement that in such a case the validity of the Monroe Doctrine would be recognized and applied and a decision given against the acquistion of territory by Germany. The declaration that the validity of the Monroe Doctrine is not affected by the Covenant is not quite the same thing as declaring it to be valid and enforceable; nor is the mere mention of it by name a sufficient determination as to its meaning. The decision might be that the Monroe Doctrine could not be considered to apply in the case in hand and that the general

principles applicable to such cases would not permit a just objection by the United States on the ground that its safety was imperiled. The amendment proposed by Senator Root, whereby the acquisition of territory in the Western Hemisphere by European powers would be specifically prohibited, has the merit of greater clarity.

Laying aside the provisions of Article XXI, however, what danger is there of interference with the Monroe Doctrine? Under what circumstances can it reasonably be said that there is probability of a decision which would have the effect of interfering with or nullifying the Monroe Doctrine? A decision of the Council, to be of any binding effect, must be unanimous, excluding the parties to the controversy. As the case can always be taken to the Assembly, there must be in addition to a unanimous vote of the members of the Council, a majority vote of the other members of the Assembly. It is, of course, possible that all the members of the Council and a majority of the Assembly would agree to a recommendation which would have the effect of nullifying the Monroe Doctrine, notwithstanding the declaration of Article XXI that the validity of the Monroe Doctrine is not to be affected by the Covenant. The probability of such a decision, however, is so remote that under all the circumstances it may reasonably be said to be negligible.

It has been argued, however, by some opponents of the League that no questions of general policy or involving the vital interests of the United States (and this would include questions affecting the Monroe Doctrine) should in any event be submitted to the Council for examination. No precise effort has been made to define the class of cases meant, but it is broadly claimed that the United States should reserve to itself the right to determine all important questions of this kind and that it should not permit them even to be discussed by an international council. Strangely enough this argument has been advanced

by persons who at the same time assert that they are in favor of *a* league of nations that would assist in preserving the peace of the world. It is apparent almost without discussion that a contract to submit questions to a court or council for examination, but reserving the right to refuse to submit an undefined class of cases involving the vital interests or important policies of the nations signing the contract would be of no binding force whatever. In the not-remote past general treaties of arbitration concluded between states generally reserved therefrom questions affecting the vital interests, independence or honor of the contracting parties. Such a treaty is of no binding force, as experience has shown. If a state does not wish to arbitrate it may escape the obligation of the contract by asserting that the question affects its honor, its vital interests or its independence. It would be quite useless to make any covenant at all if the states were to reserve from the consideration of the court or the council an undefined class of cases to be determined by themselves.

Admitting that there is a possibility that the Council or Assembly will in important cases affecting the vital interests of the United States make decisions unfavorable to the United States, the question is whether the United States should, under these circumstances, become a party to this Covenant. On the one hand are to be considered the great advantages resulting from the institution of legal relations between states, with consequent greater security to the United States as well as to the other nations of the world. There are also to be considered the many advantages naturally flowing from this condition; greater freedom of commerce, the lessening of the burden of taxation incident to the maintenance of military establishments, and other matters of the same character. But even more important than these is the fact that the new order would go far toward removing the probability

of war and establishing international relations on a basis of right.

As against these great advantages what is the danger to the United States? Only this—that there might be an interference with some policy or with some desired object, which, however, could only take place by a concurrence of the following circumstances:

1. That we should have a dispute with another nation which we could not settle by negotiation.

2. That after we had refused arbitration the case had been submitted to and examined by the Council and by the Assembly, and a report made, concurred in by all members of the Council and a majority of the Assembly, recommending a course of action unfavorable to the contention of the United States.

3. That this recommendation was satisfactory to our opponent in the dispute and that it complied with it.

4. That in order to maintain its policy, it would be necessary for the United States to take up arms against its opponent, which would be a violation of the Covenant, and, therefore, the United States would find itself unable to do so because of its contract.

If the facts were such that the United States could still maintain its position without taking up arms, it would be under no obligation to obey the recommendation and there would be no interference with its rights—unless the other nations should, after consultation, decide to take steps to enforce the recommendation. This, by the very terms of the Covenant, would require a further consideration and a further agreement, as there is no obligation in the Covenant to do it.

The terms of the Treaty in this regard have been thus analyzed to show how exceedingly remote is the probability that there would be any interference with any reasonable policy of the United States. It is improbable that any question would come up that we could not settle

by negotiation, or if we could not settle, and refused to arbitrate, that a unanimous recommendation of the Council would be made against us; or if by maintaining our position we could defeat the recommendation of the Council, that measures would be undertaken to coerce us, especially in the absence of agreement to take this course.

But admitting that all these unlikely conditions might come to pass, should not the United States be willing to trust, to this extent at least, to the reasonableness and fair-mindedness of the representatives of the other nations of the world? It should be recollected that they will propose to put themselves in the same position as ourselves. They have many more policies likely to clash with the interests of other powers, than we have. They have interests to guard which are as sacred as our own. If they are willing, for the sake of greater security in the world and for the advancement of civilization, to agree to take the risk of the judgment of their fellows, under the circumstances indicated, we should be willing to do the same.

If this Covenant as amended is accepted by the other powers negotiating at Paris, it is unthinkable that it should be rejected by the United States. The United States, throughout its entire history, has sought to be, and has been in a very real sense, the leader in the cause of peaceable international settlements. Not only has it shown a willingness to submit its cases to examination and decision, but it has urged this course upon others. The occasions upon which presidents and secretaries of state and other officers, and the Congress of the United States and the legislatures of the various states have urged upon the world the acceptance of the principle of arbitration of international disputes could scarcely be enumerated in this paper. If the country which has made such great profession in this great cause should refuse to follow where the military powers of Europe lead, it would be the darkest spot on her history.

THE LEAGUE OF NATIONS AFTER THREE YEARS[1]

To its enemies in the United States the League of Nations must seem an unconscionable time a-dying. For more than three years it has tenaciously clung to life despite repeated prophecies of approaching demise. Occasionally indeed its actual death has been announced—once by no less a person than the President of the United States—and preparations have been begun in high places to celebrate the obsequies.

But somehow the League still lives. More than that it shows a surprising vitality. In spite of hard treatment and some neglect it seems to gain in strength and purpose. Certainly the League today, with all the manifold activities which it is initiating and guiding, is a far different creature from the feeble offspring which the Treaty of Versailles so laboriously brought into the world. For one thing it has more friends. Only a handful of the larger powers stood sponsor for it at its birth. It was eyed with suspicion by the smaller nations. Today these smaller nations are its warmest supporters, and fifty-two countries are now enrolled under its standard, representing more than four-fifths of the world's population, and nearly three-fourths of its area. The list of absentees among the supporters of the League is more easily called than the roll of its membership: Abyssinia, Afghanistan, Ecuador, Germany, Mexico, Russia, Turkey and the United States.

But it is not size alone which gives the League significance or which has brought it increasing vitality. With no precedents to follow, with no traditions to bind it, the League has struck out boldly in a new direction. On the theory that if the nations of the world can get together for discussion around a common table, many of the con-

[1] From article by Raymond B. Fosdick, Formerly Under-Secretary-General of the League of Nations. Revised and reprinted from Atlantic Monthly. 130 : 256-68. August, 1922.

flicts of interest and misunderstandings of purpose can be reconciled and smoothed away, and many of the outstanding problems which confront all nations alike can be overcome, the League has built up machinery for international conference such as no previous generation has possessed. And the machinery is working. However the enemies of the League may scoff at its impracticable purposes, the fact remains that through the machinery which the League has brought into being the nations are today sitting in conference on their common problems to a degree undreamed of a decade ago. Whatever mistakes may have been made in the formation of the League—and they were not few—within three years of its birth it has proved itself successful as an instrument for drawing the world together in common counsel.

The bare list of some of the conferences which the League has promoted is evidence of this success. The Assembly, which is the keystone of the whole organization, because it represents all the nations sitting around a table, held its third annual meeting in Geneva in September, 1922. The League's Council, representing eleven states, has held twenty-three sessions. The International Labor Conference, with its representatives from fifty-four nations, held its fourth annual conference in October, 1922. The Paris passport conference, attended by twenty-two nations, was called by the League in 1920 to promote the expedition of international travel. Forty-three nations met in Barcelona in 1921 to discuss problems relating to communications and transit, and to clear the channels of international business. Thirty-five nations came together in Brussels in 1920 to consider the international financial situation. In Geneva in 1921 thirty nations conferred on methods of suppressing the international traffic in women and girls. In Warsaw in 1922 twenty-seven nations considered ways and means of dealing with the international menace of the typhus epidemic.

In addition to these more formal gatherings the League has promoted a steady succession of international conferences and committee meetings to deal with a great variety of problems, such as the standardization of international statistics, the suppression of the international traffic in opium, the unification of standards of anti-toxic sera, the feeding of Russian refugees, the return of prisoners of war, the reduction of armaments, the private manufacture of arms, the deportation of women and children in Asia Minor, and a score of other topics which represent the legitimate concern not of one nation, but of the family of nations.

In brief, for three years the world has been slowly developing the tradition of conference; it has been learning, in some measure at least, the value of common counsel. No one could claim that the lesson is perfectly learned; only the beginning has been made. But at least it is a beginning. It marks a new train of thought, a new method of approach, a new habit. With practice and patience to sustain it, who knows but that this habit of conference may become so intimately a part of the world's mental processes that it will gradually supplant the older order of misunderstanding and conflict?

The League's emphasis upon conference has a further significance. Much of the machinery which it has built to promote this activity is permanent. The Assembly, the Council and the Secretariat represent a method of continuous international conference on any problem that may arise, as opposed to *ad hoc* conferences called to consider specific matters. In other words, while the League has initiated a variety of special international conferences on topics relating to its work, it has also, through its permanent machinery, the capacity to focus immediate attention on any difficulty that can threaten the peace of the world.

This is a point of no small importance. Special con-

ferences like those held in Washington and Genoa have their legitimate and proper place in the regulation of the world's affairs. Their attention, however, is necessarily limited to the specific purposes for which they were called; when their business is concluded they adjourn, and nothing remains of the machinery which they erected. They create no organic, continuing relationships. This type of conference helps the world along, but it fails the world in time of unexpected crisis.

For *ad hoc* conferences are not easily or quickly called together. The date, the place, the membership, and the agenda must be agreed upon in advance. The first Hague Conference was not ready until nine months after the Czar's call. Over two years elapsed between President Roosevelt's appeal for the second Hague Conference and its opening session. Although only nine powers met at the Washington Conference, it took four months of preparation before the first meeting could be held. On the other hand, when the Jugoslav-Albanian boundary dispute developed last year, the Council of the League met in nine days. No special arrangements were necessary, no protracted negotiations to determine which nations should or should not be included, or what the diplomatic procedure should be. The machinery was already set up, and it met the emergency swiftly and decisively, stamping out the fire before it could spread.

There is apparently some opinion in America that a succession of special conferences like the one held at Washington could adequately take the place of the League. To such belief it would seem as if memory of the plight of Sir Edward Grey in July, 1914, would be a crushing answer. For over two weeks he fought for a conference as the one hope of avoiding the impending catastrophe. In that limited period, with the flames mounting higher every day, he tried to create the necessary machinery that would bring the nations concerned

around a common table. But it was too late. Time was lacking. In those few frantic days, in that pitch of flame and heat, the machinery could not be devised and assembled. The catastrophe began without a single conference. A handful of hasty, misunderstood telegrams plunged the world into the greatest tragedy ever visited upon the human race.

That is why some kind of permanent machinery is necessary, some international organization ready for emergency. That is why the Assembly, the Council and the Court of International Justice constitute the outstanding features of the League's program. They represent preparedness. They represent a flexible mechanism that can be quickly adapted to unexpected situations. True, the Assembly meets but once a year, and, because of its size, is something of an unwieldly body. But the Council, which is in reality an executive committee, meets at Geneva every three months, and oftener if necessary. Inasmuch as six out of the eleven members of the Council are elected by the Assembly, it is fair to say that the Council is an emanation of the latter body, and is entrusted with the direction of affairs in the Assembly's absence. Certainly in the three years of its existence, the Council has not hesitated to act decisively on behalf of the League in the settlement of international discord and the promotion of common understandings.

In this connection, the relations that are developing between the Council and the Assembly are worthy of a moment's consideration. The exact line of demarcation between the two bodies has never been determined, but the Council has adopted the plan of presenting to each session of the Assembly a report on all that it has done during the year. This report is treated in the Assembly as an opportunity for reviewing in open debate the whole policy of the League and the general conduct of its affairs by the Council. The meeting of the Assembly in 1921

developed some sharp criticism of the actions of the Council from a progressive minority under the leadership of Lord Robert Cecil, and the fact that the Council has recently endeavored to shape its actions to meet this criticism is not without importance. Equally significant is the unchallenged assumption of responsibility by the Assembly for making up the budget and authorizing the expenditures of the League. Because of its personnel, the Council may at present possess more real power than the average executive committee, but the Assembly holds the purse strings.

As time goes on we shall undoubtedly see the respective spheres of action of the two bodies becoming more clearly defined. Indeed, it seems probable that something in the nature of Cabinet responsibility will ultimately develop between the Council and the Assembly. Certainly in the evolution of the League we can expect many changes in its methods of structure. The Covenant of the League is proving to be as elastic and pliable under pressure of practical experience as was the Constitution of the United States in the decade after 1789.

A word is due in regard to the Secretariat. Too little is heard of this branch of the League's organization, but it is scarcely a secret that it is the moving influence behind the scenes. Permanently located in Geneva, it is made up of more than three hundred people from over a score of nations, who are working together not as national representatives, but as impartial experts. Despite differences in tongue, race and tradition, this medley of nationalties does its work quietly and effectively, provides the necessary expert service, prepares for all meetings, carries on the day-to-day work of the League, and executes the decisions of the Assembly and the Council.

The Secretariat's organization, consisting of ten sections, is illustrative of the broad sweep of the League's work and the cosmopolitan character of its personnel. There is an economic and financial section, directed by an

Englishman; the disarmament section is directed by an Italian; and the health section is under a Pole. The section for administrative commissions (Saar Basin and Danzig) is under a Norwegian, the information section under a Frenchman, and the legal section under a Dutchman. A Swiss manages the mandate section, and an Englishwoman the section on social questions. The transit and political sections are directed respectively by an Italian and a Frenchman.

It may be interesting to note that citizens of the United States are also attached to the Secretariat. The librarian is an American woman; the business manager (establishment officer) comes from North Dakota; the associate head of the information section is from Massachusetts; while the assistant to the head of the administrative section is a New Yorker. Other Americans are attached to the Secretariat in minor capacities.

With the machinery at the disposal of the League, it is a fair question to ask what has been done with it. The primary purpose of the machinery is to settle disputes and stop war. Has it been used for this purpose, and if so with what results?

Reference has already been made to the Jugoslav-Albanian boundary difficulty which suddenly loomed like a menacing cloud on the European horizon in the summer of 1921. It was the old story of aggression such as has been repeated time and again in the unhappy history of the Balkans. Dissatisfied with the frontier line between herself and Albania which had been under dispute for some months, Jugoslavia resorted to the time-honored principle of executing a *fait accompli*: she sent her troops across the line and took what she wanted.

Here was a situation which under the old dispensation would have upset the chancellories of half the world and strained the diplomatic relations of Europe perhaps to the breaking point. It was a match struck in a powder mill. The calamity of 1914 started in very much the same way.

But there was a difference between 1914 and 1921. In the former year there had been no organization of nations, no plan, no procedure. In 1921 machinery existed for just such an emergency. The machinery was new, it was imperfectly adjusted, it creaked in some of its joints and needed lubrication. But at least there was machinery, and it could run. In this case it ran without a fault. Mr. Lloyd George sent a telegram to the League asking for an immediate meeting of the Council and suggesting the application of an economic boycott against Jugoslavia. The effect of the telegram was electric. Jugoslavia exchange tumbled in London and Paris. An international loan which Jugoslavia was negotiating was immediately withdrawn. The Council met in ten days, holding its meetings in open session. And Jugoslavia backed down. Within a week she had withdrawn her troops behind her own frontier, and today a League commission is on the spot in Albania working out the arrangements for peaceful cooperation along the boundary.

Why did Jugoslavia so suddenly change front? Not a soldier was moved against her; not a single battleship fired a shot or made a demonstration; there was not even a gesture of force. Jugoslavia suddenly awoke to the fact that there was a new power stirring in the world, the power of international public opinion, backed by fifty nations, and working through centralized machinery. She realized that a bull of excommunication issued from such a source carried with it an authority which could not be defied. Bewildered by the new machinery and protesting against its decree, she nevertheless shaped her course to avoid ostracism by her peers.

Another dispute brought before the League was a long-standing quarrel between Finland and Sweden over the possession of the Aaland Islands. These islands, constituting a small archipelago lying in the Gulf of Bothnia almost midway between the two nations, dominate the

whole eastern Baltic. They were claimed by Sweden because their population is overwhelmingly Swedish, and by Finland because for over a hundred years they had been part of the former Russian Duchy of Finland.

In June, 1920, the tension between the two countries over the ownership of these islands grew alarmingly, and war was threatened on both sides. Great Britain thereupon made use of Article XI of the Covenant which declares that any nation has "the friendly right" to bring to the attention of the League any circumstances threatening to disturb international peace. Upon Great Britain's initiative the Council of the League appointed an independent commission of inquiry, consisting of a Belgian, a Swiss and an American, "to proceed to the spot, obtain evidence, and submit a report." After some months of investigation in which both sides to the dispute presented their cases at length, the commission decided that sovereignty over the Aaland Islands belonged to Finland. The Council agreed to the report which was freely accepted by both the contesting nations, and the final act was a ten-power diplomatic convention, signed at Geneva under the auspices of the League, guaranteeing Finland in possession, providing for the neutralization of the islands from a military point of view, and protecting them from losing their distinctive characteristics and institutions, particularly the Swedish language.

Here again there was no bloodshed and no coercion. A menace to the peace of the world was averted by the exercise of common sense working through very simple machinery. The method was effective not because it represented force, but because it had behind it the moral judgment of civilization.

A third international dispute with which the League has dealt was the Upper Silesian difficulty which burst into flame a year ago and at one time threatened the renewal of general war in Europe. It arose over the ques-

tion of the boundary line between Germany and Poland in the district of Upper Silesia. German at one end, Polish at the other, and hopelessly mixed where the races meet, this territory contains one-fourth of the coal supply of the former German Empire and constituted before 1914 one of her most flourishing industrial areas. The Treaty of Versailles found the problem too intricate for immediate solution and provided for a future plebiscite. The plebiscite complicated rather than clarified the situation, and with France backing the Polish claims and England behind the German claims, and Korfanty lighting the fires of insurrection in the district itself, the matter was soon at white heat. The Allied Supreme Council, upon whom rested the decision, found itself in a state of hopeless deadlock. Neither Lloyd George nor Briand would back down. The matter was rapidly approaching a breaking point, when suddenly the Allied Supreme Council handed the problem to the League and agreed to accept any decision it might make.

The approach which the Council of the League made to the dispute brought the matter at once into a new atmosphere. Because England and France were interested parties and were represented on the Council investigation and decision were left to the four members of the Council who came from the smaller states: Belgium, Spain, Brazil and China. These four men sitting as a committee retained experts from neutral countries to advise them in finance, transportation and mining problems, and an elaborate study was made of all the complicated factors of the case. The decision, which was immediately accepted by the Powers of Europe, laid down a boundry line as nearly as possible on the basis of the plebiscite, taking into account the economic and geographical situation of the district. In order to preserve the industrial unity of the territory, certain mutual economic guarantees were recommended which, with the territorial arrangements,

have just been put into the form of a German-Polish convention, negotiated at Geneva under the auspices of the League. Since the decision complete calm has reigned in Upper Silesia and with the signing of the convention the matter is now a closed issue.

The decision of the League's Council in this boundary dispute has been severely attacked in some quarters on the ground that it favored Poland at the expense of Germany. No one was wholly satisfied with it, not even the Council members who drafted it. A careful review of the matter by disinterested observers, however, seems to indicate that in immensely complicated circumstances it was probably the best decision possible. Certainly the method of independent, impersonal examination of a diplomatic difficulty was the right one, even if in some of its details the decision was erroneous. In any event there is peace in Upper Silesia and Europe has been saved from war.

In these three cases of international friction which the League has reconciled during its first three years, one point stands clearly disclosed; the sole authority of the League is moral force; it rests on consent and not on coercion. It can suggest but cannot necessarily impose a settlement. Its victories are gained not by arms but by concentration of world public opinion. If in the future it helps to maintain peace, it will not be because it represents an overwhelming combination of military force, but because by slow stages it succeeds in gathering up the moral judgment of mankind in one powerful shaft of light and bringing that light to bear on instances of international injustice.

A society of nations cannot legitimately content itself with putting out the fires of war after they have once been kindled. If we are to have real assurance in the future, the causes of war, the materials upon which the flames feed, must in so far as is humanly possible be removed.

Secret diplomacy and secret treaties have been recog-

nized over many years as potent causes of international suspicion and uneasiness. When the Covenant was created, therefore, one of its clauses stipulated that no treaty entered into by a member of the League was valid or binding unless registered and published by the League of Nations. In pursuance of this regulation a treaty registration section has been established at Geneva, and over three hundred treaties have thus far been received, affecting practically every country in the world. Published in live volumes, they contain, some of them, information which under the old order would have been carefully shielded from public scrutiny.

As one glances through these volumes, representing in concrete form the fundamental principles that the nations of the world must stand before each other honestly and frankly, one is struck by the fact that some treaties are published in which the United States is a contracting party. But these treaties have not been sent in for registration by our State Department; they have been submitted by the other parties to the contract that happened to be members of the League. It is a significant point that the treaties growing out of the Washington Conference will have to be registered and published by the Secretariat of the League before they become binding upon the other powers.

Another potent cause of war to which of late much attention has been given is to be found in the piling up of armaments; and in the field of disarmament it must be frankly admitted that the League has secured its smallest measure of success. Debarred from consideration of the question of naval disarmament by the absence of the United States, it has thus far found itself handicapped in taking up the problem of land armaments by the same influences that blocked the discussion of this question in Washington.

Nevertheless some progress has been made. A powerful committee, called the temporary mixed commission,

under the chairmanship of Lord Esher, has for over a year been at work with an army of experts on an exhaustive statistical inquiry into the armaments of all countries, distinguishing the military and police forces necessary for internal security, and the forces necessary for national defense. The results of this study are not yet completed, but it is hoped that they will be ready for consideration by the Assembly at an early date. Side by side with this survey, the League has taken up the question of the private manufacture and traffic in arms, to see what can be done to break up the connection between private enterprise and war. As long as American munition manufacturers are at liberty to ship arms into Abyssinia, for example, that part of the world is not free from menace. On these complicated questions an international conference has been called by the League to meet at an early date.

Altogether it seems probable that the splendid momentum achieved by the Washington Conference will perhaps in the course of two or three years be carried forward to even larger results through the machinery of the League. At least the machinery is in existence, ready to be used.

The mere maintenance of peace, however, is not the sole aim of a real society of nations. Peace is rather the starting point of international cooperation, the beginning of common responsibilities jointly assumed. The matter of mandated territories is a case in point. When the Covenant of the League was written it was agreed that the German and Turkish colonies, freed from their former sovereignty, and containing thirteen million of backward people, should not become the spoils of their conquerors, but should be mandated to certain powers to be administered, under the general supervision of the League, on terms that would fully guarantee the principle of non-exploitation, and safeguard the natives from many of the evils that have so often followed upon the heels of colonization. Thus the mandatory powers become the trustees

of civilization," responsible to the League for their acts and policies, and obligated to submit an annual report with regard to the territories committed to their charge.

To examine these reports and to advise the Council on all matters relating to the observance of mandates, a permanent Mandates Commission has been appointed by the League, composed of colonial experts who serve internationally, most of them being citizens of non-mandatory nations. While there has been regrettable delay in applying the system of mandates, the matter is now moving forward, and mandatory nations like Great Britain in Palestine, Australia and New Zealand in the islands south of the Equator, and Japan in Yap are submitting annual reports of their stewardship for examination and review by the family of nations.

Another phase of cooperative work which the League is undertaking has to do with the protection of religious, linguistic and ethnical minorities isolated in the midst of majorities which are alien to them. Elaborate provision for such protection has been written into all the recent peace treaties and covers the whole of eastern Europe from Finland to Greece; and the League of Nations has assumed the trusteeship. Thus the Council of the League has been able to settle the dispute between Poland and Austria with regard to the Jews who came from eastern Galicia into Austria and were there threatened with expulsion; it succeeded in obtaining guarantees for these emigrants from both governments. It also intervened to the satisfaction of both parties, in the question of the emigration of minorities back and forth between Greece and Bulgaria.

Similarly the government of the Saar Valley Basin, and of Danzig, committed to the League by the Treaty of Versailles, represents a collective responsibility which civilization has assumed through the machinery at Geneva. Because these two districts promised difficulties

for the future with which no one nation could wisely cope, they were placed under international control. The governing commission of the Saar which the League appointed consists of a Belgian, a Canadian, a Dane, a Frenchman and a Saarois; in Danzig an Englishman was appointed high commissioner. Whatever opinion may exist as to the wisdom of isolating the Saar Valley Basin or of creating the Danzig corridor, there can be little question as to the League's administration of its responsibility. It has been impartial and conciliatory, guided by considerations of justice and fair play amid conditions almost insuperably difficult. Those who are inclined to criticize some of the details of the League's administration in these two fields might well consider what conditions would have existed if instead of international control France had had full play in the Saar and either Poland or Germany in Danzig.

This then is the League of Nations—not a super-state, backed by vast armaments, but a simple instrument for bringing nations together in conference around a table. Its warmest friends make no claim of perfection for it. It cannot bring the millennium. It cannot immediately allay the high fever of present international discord. Its weaknesses are apparent. It is powerless to solve, or even deal with, some of the most menacing problems that confront us.

But here is a cooperative world movement, the first of its kind in history, constituting a central rallying point around which the forces of law and peace may gather, and slowly developing new approaches to common dangers and new methods of common action. During its first three years in a period of unparalleled difficulty, its positive achievement has been distinctly creditable, far wider in scope and greater in bulk than its best friends dreamed possible. In spite of all cynicisms, all gibes, all remorseless criticism, it has become a real influence in the

world and has won for itself a distinct place in the confidence and hope of many peoples. That confidence will not easily be shaken, and that hope is a grim and determined hope. For if the League proves a blunt and ineffective instrument, there is nothing ahead of us except despair in the face of new wars.

LEAGUE OF NATIONS[1]

The League is no super-state. It commands neither fleet, army, nor air force. But it prescribes that all treaties concluded between its members should be open and registered with the Secretariat, and relies in the main upon the instruments of delay and publicity to achieve its purpose. Over non-members, like Russia and Germany and Turkey, it neither exerts nor affects to exert influence; but the sanctions which it can apply in case of a breach of the Covenant by one of its own members are not so contemptible as they are sometimes represented to be. In the first place, it would argue some courage in a government to defy the opinion of fifty states even if no one of these states were prepared to apply the blockade or to draw the sword. No civilized nation enjoys "moral isolation." No democratic government fails before long to find out that a course of policy leading to moral isolation does not pay even from the domestic point of view. In a thousand different ways the moral opinion of the world makes itself felt. The money market is not insensitive to it. The exchange falls, purse-strings tighten, a prejudice springs up against the national of the offending state in foreign markets. And even in minor questions upon which the moral opinion of the civilized world is not likely to be excited, no government cares to come out into the open with a proposal which it is unable to defend upon honourable

[1] From Round Table. 13 : 300-26. March, 1923.

grounds. From this point of view the procedure of the Council offers valuable guarantees, for if it should appear that agreement cannot be reached owing to the unwavering obstinacy of a single member, it is always open to the other delegates to insist upon a public discussion at which the tactics of obstruction can be deployed in the full view of a critical world. The mere prospect has, it is alleged, been found more than once to expedite business. Should the fear of moral isolation fail to be efficacious, there remains the threat of application of economic sanctions under Article XVI of the Covenant, which provides that a member of the League resorting to war in disregard of its covenants is, *ipso facto,* deemed to have committed an act of war against all other members of the League. The extent to which each member will, upon due notification of the offence by the Council, take action under this clause will be for that member to determine. The withdrawal of consular agents might be a first step, the severance of commercial intercourse a second, the institution of a blockade by such powers as are in a position to carry out a blockade a third. Many members might want to take no action at all. What is certain is that the mere knowledge that a Council had been summoned for the purpose of considering whether the economic sanctions of the Covenant were to be enforced would have a deterrent effect. And if it were necessary to proceed further, and the moral opinion behind the League were sufficiently strong to support belligerent action, the armed forces at the disposal of the members of the League are greater than those at the disposition of any single power, however formidable in wealth and equipment.

In the last resort public opinion is the decisive factor. The League will be as strong as the governments of the countries admitted to its membership like to make it; and seeing that the governments in democratic states depend upon the sentiments, wishes and interest of the

peoples behind them, and that all the states enrolled in the League are in the enjoyment of free institutions, the future authority of the League will depend upon the degree to which the peoples of the world will be prepared to temper national egoism by larger considerations of international well-being.

Public confidence implies public knowledge. In order that the League should gather strength, it is much to be desired that it should be entrusted with some first-class international work every year and that this work should be entrusted to first-class men. It is a matter for consideration how far this condition has been adequately fulfilled.

Many ardent friends of peace in this country would say that the machinery of the League has not been adequately used by the powers in their endeavor to settle the grave international questions which have arisen since the war. The Supreme Council, it is said, has done too much, the League has been allowed to do too little. The contention is that the League should be the instrument for the transaction of such part of the foreign policy of every country as bears directly or indirectly upon the question of peace or war, that the League, for instance, should have been brought in to prevent the Polish attack upon Russia in January, 1920, and that it could have been probably substituted for the numerous conferences which have endeavoured to settle the question of reparations. It is argued that where the League has been invoked, its intervention has generally succeeded, that it works in an atmosphere of conciliation, and that expressing as it necessarily does the judgment of powers not immediately interested in the question under review, it is likely to reach a clear and equitable solution.

For the purpose of current international action the League means the Council of the League. This body, as defined by Article IV of the Covenant, was to consist of the representatives of the principal allied and as-

sociated powers (America, France, Great Britain, Italy, Japan) together with the representatives of four other members of the League who in the first instance were to be Belgium, Brazil, Spain and Greece. The four non-permanent members were to be elected by the Assembly from time to time at its discretion, and a provision was inserted enabling the Council to be enlarged with the approval of the majority of the Assembly. The scope of action allotted to the Council was practically infinite, but its action was in effect limited by a provision of tremendous importance. Its decisions must be unanimous. As in the ancient constitution of Poland, there is in the Council of the League a *liberum veto.*

Such was the original constitution of the body. It will be observed that it is characterised by three important conditions, the presence of America, the initial preponderance of the allied and associated powers and the rule of unanimity. The refusal of America to take the seat reserved for her upon the Council has, needless to say, profoundly modified the composition of this body, which has been further altered by the recent addition of two non-permanent members. Whether the effectiveness of the Council has been increased by this enlargement is open to doubt, for there is certainly a risk that the larger the Council becomes the less will be the readiness of the great powers to entrust it with important business. On the other hand, the addition of fresh members strengthens the hold of the League upon the public opinion of the nations so honoured, and may, should the additional members be men of high intellect and character, bring fresh currents of wholesome doctrine to bear upon the deliberations of the body.

How far is a body so constituted calculated to be an appropriate medium for the transaction of international affairs of the first importance? The drawbacks and difficulties are obvious. The Council contains a number of members who are very faintly interested in

the great European problems which vex the world, and does not contain certain countries whose interest in these matters is important and primary. The distant countries can never, and the neighbouring countries can seldom, be represented by their prominent statesmen. And, again, capable as is the Secretariat of the League, it can hardly aspire to rival the great Foreign Offices in the wealth of its information. For these and other reasons the greater part of the international business of the world will continue to be transacted through the ordinary diplomatic channels. What advantage could there be in summoning a League Council to transact affairs arising out of the strained relations of two powers which can normally be settled by correspondence or conversation without reference to an external body? It is only in the exceptional case, affecting peace and tranquillity, that the League can properly be invoked; and even here, as the examination of some recent instances will show, a Council meeting is not always appropriate.

The principal dangers to the tranquillity of the world during the past three years have proceeded from the ambitions of Poland, from the propagandist policy of Soviet Russia, from the determination of the National Assembly at Angora to upset the Treaty of Sèvres, and from the settled determination of France to occupy the Ruhr coalfield in the event of her failing to receive satisfaction in the matter of reparations.

The Polish invasion of Russia in the winter of 1920 was a wild enterprise which ended in a well-merited failure. And the question was not unnaturally asked in Parliament, why the League did not step in and prevent it. Could not a special meeting of the Council have been summoned, to which Poland and Russia should have been invited to send representatives, and quite apart from its results would not such a demonstration have been worth making as an indication of the League's real existence and vigilant concern in all matters of peace and

war? To these very legitimate queries Mr. Lloyd George supplied an answer which seems conclusive. He said, on August 16, 1920:

> The League cannot operate unless there is unanimity. It is quite clear that the Allies were not all of the same view with regard to Russia and with regard to Poland. It is no use attempting to conceal that fact. How would it have benefited matters if we had had these dissensions and differences operating through the League of Nations instead of operating through the Supreme Council? We have done our best through the medium of the Supreme Council to secure some measure of agreement, but we could not have done it more effectively—I am afraid we should have done it less effectively—if the discussion had taken place at the League of Nations. The second objection to that course was the attitude of Russia itself toward the League of Nations. Russia in the first instance declined—she may have had good reasons: that has nothing whatever to do with it—even to receive a deputation from the League of Nations, and when it was proposed that the League of Nations should intervene—not by His Majesty's government, but when suggestions of that kind were made in Parliament—the Russian government took cognisance of the fact, and said that under no conditions would they have any intervention under the League of Nations. What is the use under these circumstances of saying, "you cannot promote peace through the Supreme Council. If you had only taken the League of Nations into your confidence and used it there would have been peace and good will." It has no reference to the facts.

The second cause of international unrest has been the certain armaments and uncertain intentions of the Soviet Republic. So long as great Russian armies are reported to be on foot, it is impossible to expect the small states on the western borders of Russia to settle down to the arts of peace; and had Russia been a member of the League nothing would have been more natural than that the Council should intervene to press for an agreed measure of regional disarmament. Unfortunately the communist rulers of the Russian Republic will have nothing to do with the League. In their eyes this institution not only embodies the twin vices of nationalism and capitalism but it is also suspected as a machine for French, British and Japanese policies. It is true that

Russian medical men have been permitted to attend the Congress at Warsaw which met last year on the invitation of the League to devise measures for the prevention of typhus and cholera: but this very limited and guarded measure of cooperation must not be taken as a sign of any relaxation in the attitude of the Soviet Republic toward the League in the matter of public policy. That attitude is still one of uncompromising hostility.

It was therefore inevitable that when Mr. Lloyd George was looking about for a means of tranquillising the apprehensions of Russia's western neighbours he should have looked elsewhere than to Geneva for the machinery of conciliation. Absurd as it seems to summon a special conference at Genoa to perform one of the principal functions for which the League of Nations was instituted, there was no other alternative. The representatives of the Soviet would come to Genoa and would not come to Geneva, and however unreasonable and inconvenient their attitude, the situation had to be accepted. The League machinery could not be used because the principal party whose concurrence was desired if a settlement was to be made, declined *ab initio* to have anything to do with it.

A similar outlook confronted the League in the sphere of Near-Eastern policy. The Turks, like the Russians, stand outside the orbit of the League and have never shown any particular desire to belong to an institution which they believe to be governed by British interests. Moreover, the fact that the League has taken a particularly forward line in Armenian policy was not calculated to commend it to Mustapha Kemal. It is no matter for surprise that no proposal was received from Turkish quarters that the League should intervene to silence the guns in Asia Minor.

Lord Curzon's proposal of the other day that the Mosul question should be referred to the League for settlement was also rejected by the Turkish delegates,

who would have preferred to leave the matter over for a year or so and then that it should be settled by a direct arrangement between Great Britain and Turkey apart.

Third, there is the Franco-German crisis. Its economic and its political side are dealt with elsewhere in this number. It directly concerns the League of Nations, and though the League is still imperfect, inasmuch as many great nations, including Germany, stand outside it, its popular estimation will be greatly affected by the manner in which it faces this serious international crisis. It is not enough that it has proved its utility in a host of less important matter.

Action of some kind to safeguard the peace of nations in this crisis will be looked for, or, failing that, reasons to justify passivity. Article XI of the Covenant of the League, indeed, makes such action obligatory whenever there is war or a threat of war. What, then, has hitherto been the attitude of the League? First, to take the questions which have led up to the existing crisis. Even before the French went to the Ruhr it was often argued that the League or some body representing a wider circle of powers than those immediately interested should take up the question of reparations and inter-allied debts. They represented an issue in which members of the League were primarily involved, but affecting a far wider range of interests than those of the prospective recipients of reparation payments, for there is not a market in the world which has not in some way felt the disturbing force of inflated currencies, unsettled exchanges and depressed industry, all in part attributable to the long delay in arriving at a moderate, equitable and agreed solution of this difficult problem. On the other hand, there were two important aguments against the submission of reparations to the League. The first was that, under the terms of the Treaty of Versailles, the settlement of the sums to be paid by Germany, and of the mode by which those sums were to be paid, was left to a body

specially set up for that purpose, entitled the Reparations Commission. To displace this body in favour of the League would have been a departure from the procedure indicated by the Treaty of Versailles, and there was a natural reluctance on the part of the signatory powers, and especially on the part of France, to adopt such a course. The second objection was, from the point of view of the friends of the League, even weightier. It was that if the League were invoked to carry out the penal clauses of the Treaties, it could not avoid incurring the odium of those at whose expense the award was made. However impartial might be its investigation, however lenient its decision might seem originally to be in the eyes of a public which had been taught to expect worse things, as time went on it would inevitably seem to be oppressive.

Still, in a great cause risks must sometimes be taken. At the meeting of the Third Assembly at Geneva, last September, a suggestion was thrown out and embodied in a resolution that the Council, if approached by the signatory governments, should be willing to assist in the solution of the problems of reparations and inter-allied debts. There was a general sentiment that a settlement must be made without delay and that if the signatory powers were unable to make it, then the Council of the League should in the last resort be invoked. Since the Assembly passed its resolution none of the signatory governments have approached the League and there seems little prospect in the immediate future of their doing so. The threat, moreover, has now been translated into action. The French have occupied the Ruhr and certain railway junctions in the State of Baden, and martial law is rigorously enforced in the newly occupied district. The French maintain that their action has been taken under the Treaty in the exercise of authorised sanctions and that it does not constitute war. The Germans—and many other people support their view—con-

tend that the French advance amounts to war and that the Treaty has been broken. Their disarmament prevents armed opposition, but the Berlin government has organised resistance with such means as it has at its disposal, and the situation becomes more intense with every day that passes.

What, then, is to be the policy of the League in face of this new situation? A meeting of the Council has just taken place in Paris. At this meeting it was, it appears, the intention of M. Branting, the Swedish representative, to raise the question of mediation. What actually happened has not been made public. M. Branting had a long interview with M. Poincaré, but does not seem to have got much satisfaction. The League subsequently discussed the matter, but behind closed doors, and hitherto no further development has taken place. It was, however, apparently felt that no action could with advantage be taken unless the Council was unanimous, and as long as France remains opposed to mediation such unanimity is out of the question. As has already been mentioned, moreover, no action can be taken by the Council unless such unanimity exists. Clearly, therefore, action of any kind is impossible at the moment. The League's reputation, however, is likely to be affected by its attitude on this question, and it should not, in our opinion, rest content with simply letting the matter drop. A resolution in favour of mediation should be moved. The responsibility of openly opposing it would then directly rest upon France if she desires to take this course.

The building up of an international mind is a slow, painful and terribly disappointing process. Just when a little progress seems to be realized, temper and patience break down in some quarter, and much of the ground which has been gained with such difficulty becomes suddenly lost. The French occupation of the Ruhr, with its consequences, both moral and

economic, for Germany does not make the task of the League more easy and greatly aggravates the chances of serious European complications in the future. Nevertheless, humanity will be slow to abandon the hope of a better international order. The dream of a federal state of Europe floats before many German minds, and in every country affected by the recent war there is a powerful body of opinion enlisted on the side of peace and prepared to work for international good-will. There are people who think that the League would be the better for constitutional amendments which there is no space to discuss here. But even those who are against amending the constitution would for the most part be ready to go far in that direction to satisfy the doubts that keep out America. Better an imperfect League that is universal than a complete one that is only partial. But whatever the organic defects or merits of the League, its solid achievements in the sphere of political, as well as in that of humanitarian and economic work have only to be more generally known to commend it to the mind of peace-loving people all over the world as the agency best adapted to avert the recurrence of war and to improve the general standard of international life; but there is no doubt as to where the danger lies, and there is no doubt that the danger is great. The feeling between France and Germany has never been more bitter than it is at present, and though a renewal of war in the immediate future is for material reasons unthinkable, a temper has been generated among the rising generation in Germany which, unless strong countervailing influence can be brought to bear upon it, will breed certain trouble for the peace of Europe in future generations. All the greater the necessity for the spread of the League's influence and authority. To this end nothing could be more effectual than a closer association of America with the work of the League and with the affairs of Europe. If the value of the League as an instrument for composing old-established quarrels is great, its value in averting

quarrels before they arise, though less sensational, may prove to be even greater. For its conferences at regular intervals allow grievances to be ventilated in their early stages and differences to be discussed before they have gone too far.

To the British Empire, which has everything to lose by the outbreak of a new war, the promotion of an institution framed to smooth away the more serious international difficulties before they endanger peace is a political interest of the first order. Our Empire has nothing to fear from the publicity of the League. It can submit the administration of its mandated territories to the inspection of the Mandates Commission without misgiving and in full confidence that the principles upon which it proceeds will commend themselves to the civilised conscience of the world. The insurance premium is low. Spread over about fifty-one states it amounts to about one-seventh of the cost of a first-class battleship. For this derisory sum the world has now an instrument which, if loyalty of its members will increase as the business referred to the League becomes more important—will produce in the shape either of quarrels averted or composed, or of armaments reduced, or of diseases arrested, or of derelict states restored to financial equilibrium, or of labour aspirations guided along wise and practical channels, a rich and enduring harvest of well-being.

ALTERNATIVE OF NOT JOINING [1]

A final and convincing reason for our joining the League is the alternative to our not joining it.

For us to continue outside the League is notice, definite notice, to former friends and foes alike that we prefer to deal with them on the old basis of war, rather than

[1] From article, "What I Am Trying to Do," by John H. Clarke, formerly Associate Justice of the Supreme Court of the United States. World's Work. 46 : 581-4. October, 1923.

through this new agency of peace, and impliedly that they and we must arm against each other on land and sea and in the air in preparation for another world war. The best informed men of all nations agree that unless the League shall prove able to avert it, another such war is inevitable. Some say it will come in two or three years; others allow ten years, but all agree that when it does come it will be vastly more destructive of life and property than the last one was, and in that war, you remember, thirty-one million, five hundred thousand of the youth of the world, medically selected for the sacrifice, were killed, wounded, or missing.

General Pershing and Secretaries Denby and Weeks all have been warning us for more than a year we should prepare for another world war and President Harding in his message last December, commended to Congress a proposed "survey of a plan to draft all of the resources of the Republic, human and material, for national defense," so that we shall be "prepared for a universal call to armed defense" in the next war. Our Congress appropriated almost $700,000,000 for our army and navy during the current year—it is worthy of note that this is more than the aggregate endowments of all of our colleges and universities which have been collected through centuries.

All these warnings proceed upon the basis of our remaining outside the League of Nations, and how to avoid such a threatened calamity is therefore as grave, as fateful a problem as ever confronted our nation or any other.

With Germany and Russia in ruins, Great Britain and France constitute modern Europe, and the peace of the world for a generation depends upon whether these two great nations shall continue friends or shall become enemies. Never did two nations have more need for a trusted counsellor, guide, and friend than these two

nations have need for one now to assist in settling inevitable differences as they arise, for they are drifting ominously apart. Ours is the only nation in the world sufficiently detached, disinterested and powerful for such a service, and both invite us to render it. But it can be rendered only through the League of Nations, with the counsel and assistance of its fifty or more other member nations. If our efforts should fail we could withdraw to our isolation again, but if we should succeed, the world would be saved. For us to decline this high service from excessive prudence or from fear is as inconsistent with our dignity and character and power as it is unworthy of our history.

AMERICA AND THE LEAGUE OF NATIONS[1]

If adequate international force is to be available, it must either be through the agency of a standing international army or police force at the disposal of the alliance or through the united response of member states to the appeal of a central council. An alliance with an adequate force at its disposal is necessarily a super-state. An alliance which depends for its force upon the response of member states is in effect a super-state if they respond, and an impotent failure if they do not.

No one who advocates a standing international army today will have a sympathetic hearing. If international force is to be available for coercion purposes, it must be through economic pressure and through quotas of money, men and ships contributed in compliance with a solemn promise to supply them. The test of the availability of such a force would arise in case member states were in disagreement respecting the merits of the dispute in which they were summoned to intervene. If a promise to

[1] From article by George Wharton Pepper, United States Senator from Pennsylvania. Journal of Comparative Legislation and International Law. 3 : 21-30. January, 1921.

supply force were weighed against a conviction that the force is to be misapplied it would make little difference which way the scale tipped. There is small choice between a broken covenant and an unjust war. If the people of a member state were themselves divided in opinion upon the merits of the dispute between two other states, the test would be even more severe. The United States of America is itself a league of many nations. Every European dispute presents issues which tend to array one racial group against another. Even when the issue was as plain as in the case of Germany's aggression it was a long while before American force could be made available. It will be a long while before such a one-sided question will again confront the world. Most international disputes disclose merit on both sides. To expect neutral states with homogeneous populations to be willing to coerce one side or the other is to expect much. To propose such a course to a nation in large part made up of the blood-brothers of both disputants is to propose the impossible. Whatever may be the European view upon this subject, the ideal of order through coercion is one likely to be viewed throughout the entire Western Hemisphere not only as unattainable, but as positively mischievous.

The simple fact is that the time has come for each nation definitely to declare its faith. Shall it stand for allied coercion as the guarantee of world peace? Shall it reject such a proposal and substitute nothing in its room? Or shall it come out boldly with a declaration that the hope of civilisation rests in organised international conference and the moral force which it will engender?

The people of the United States have definitely repudiated the first of these three proposals. It may, therefore, be asserted with confidence that, so long as the League of Nations retains the form of an alliance to preserve order by threats of coercion the United States of America will deem it unwise to become a member.

The only issue which now awaits determination in the United States is the issue suggested by the last two of the three questions specified above. Two things may safely be affirmed. One is that the great majority of people in the United States are eager for the organisation of a league of nations which the United States can join. The other is that the United States will join the League if and when it is transformed into a league to promote peace through processes tending to conciliation.

The features which distinguish a coercive alliance from an organisation for conference and conciliation are five in number.

1. Limited as opposed to inclusive membership.

2. An executive council representing powerful states and armed with authority to pass judgment, as distinguished from a standing council of conciliation without power either to decide disputes or to bind member states by its action.

3. An assembly of nations to act as a check upon the powers given to the executive cabinet.

4. A subordination of all judical machinery to the power and will of the executive, as distinguished from the supremacy of the judiciary in all matters suitable for the cognisance of a court.

5. A pledge of force to resist aggression or to enforce the policies of the League, as distinguished from the absolute freedom of every member state to determine its own course if and when conference has failed.

1. Membership in an alliance for coercion is necessarily limited to those states which conceive of themselves as the civilised and peace-loving nations of the world. Other states can be admitted to the alliance only when their conduct is such as to be a guaranty of conformity to the views of the majority. Such an organisation is essentially aristocratic. Its very presence in the world makes bad feeling. If it succeeds in keeping order it does so by inspiring fear, not by stimulating brotherhood. On the

other hand, the charter members of an association for conference will be the very nations most likely to cause disorder. The purpose of such an organisation is not the coercion of outsiders by insiders, or of some insiders by the rest, but the development within itself of a compelling public opinion.

2. An alliance for coercion functions chiefly through executive machinery. A central council, representing the most powerful states, is necessary to its effectiveness. Whether the enforceable decisions of this body must be unanimous or may be merely the expression of majority opinion is a matter of secondary importance. The point is that an inner executive group must exist with authority to express the mind of the alliance on every conceivable dispute likely to lead to rupture. The council is in effect a general staff. The question whether a decision of the council, when made, will in fact be enforced by the members, is one that concerns the *effectiveness* of the combination, not its nature. A league of selected states that is planned to function through an executive council of strong states is essentially a coercive alliance. If the machinery for the enforcement of its policies is powerful and adequate, it is an effective alliance. If the machinery is weak and inadequate, it is an impotent alliance. In either event it is to be contrasted with an association represented only by a standing council of conciliation that is marked by three distinguishing characteristics. One is that the members of the council do not sit as representatives of specified nations. A second is that under no circumstances do they undertake to determine that one disputant is right and the other wrong, but address themselves to an adjustment of the dispute on the theory that there is right on both sides of it. The third characteristic is that nations are not summoned to appear at the bar of the council and plead their causes, but that representatives of the disputing nations sit in conference with the

council upon the same terms as the other members of the body.

3. In an alliance for coercion there must be at least the semblance of a popular assembly in order that there may be a check upon the executive cabinet. Since the primary purpose of the assembly is to decide the merits of international disputes irrespective of their character, the assembly cannot, in the nature of things, be a judicial body, but must rather adopt the legislative process of reaching decisions by vote. This means that majorities must bind minorities, for the only purpose of voting is to determine which of two wills is to prevail. This, in turn, necessitates the assignment of relative values to the votes cast, either giving equal effect to the vote of every state or conceding a greater influence to the votes of some states than to those of others. In an association for conference, on the other hand, it is not necessary to provide for any such popular assembly. Since the standing council of conciliation has no powers of decision, there is no occasion to create a check upon it. There is thus avoided a double difficulty. In the first place, the whole machinery of voting is dispensed with. In the second place, the danger is obviated of friction between the council and the assembly, and the consequent development of a distinct and possibly hostile consciousness on the part of each of the two groups within the league. If, in a league for conference, an assembly of members exists at all, its function is merely to choose those individuals who shall from time to time compose the standing council of conciliation.

4. In an alliance for coercion the creation of any international court that is contemplated will naturally be left to the executive council, and the jurisdiction of the court will be made dependent upon the consent of both parties. In such an organisation executive action must always be paramount, and, unless the disputants otherwise agree, the council must be free to decide even justici-

able controversies as the expediency of the moment may require. In an association for conference there is a natural and fundamental distinction between the treatment accorded to justiciable and non-justiciable controversies. In the case of the former, an international court will inevitably be created for their decision. In the case of the latter, the council of conciliation will act in an effort to bring the minds of the disputants together.

5. In an alliance for coercion there must be either a central force at the disposal of the council or a system of reciprocal guarantees that the territorial integrity and political independence of each member will be preserved by the other against external aggression. If a central force is lacking, and if this guaranty is weakened or withdrawn, the corner stone of the whole structure is removed. On the other hand, in an association for conciliation there is absolutely no undertaking by the members as to the course which they will pursue if conference fails. If, after conference, the disputants still insist on fighting, each member of the League is absolutely free to stand aloof or to intervene, and, in case of intervention, to choose its side at discretion.

The Covenant of the League of Nations is drawn with scrupulous care to conform the organisation to each of these five characteristics of a coercive alliance. During the long struggle between President Wilson and the Senate repeated attempts were made by the Republicans in that body to modify each of these distinctive features by amendment or by reservation. In every instance the President responded that the proposed change was a nullifying change, and therefore inadmissible. In this, from the point of view of insistence upon a coercive alliance, he was entirely right. From the point of view of an association for conference and conciliation he was consistently and persistently wrong.

The nations now members of the League and capable

of influencing League policy will determine in due time whether they themselves are content to continue the League as a coercive alliance. If they are not, the way will immediately be opened for a reconstruction in which the United States will gladly join. If, however, the coercive principle is still approved by the League members, they must consider whether or not a surrender of the principle is too high a price to pay for the cooperation of the United States. If the price be deemed fair, the problem of transformation becomes merely a question of method. It is not profitable to discuss, in the first instance, whether the method should be that of reservation, of amendment or of redraft. The important points are that inclusive membership must be substituted for restricted membership, that a standing council of conciliation must take the place of the executive cabinet, that the process of voting must be abandoned in favour of the conference method, that the subordination of the judiciary to the executive must give place to a court which shall be supreme in its sphere, and that, instead of covenants to unite in resisting aggression, there must be absolute freedom on the part of each state to act as it pleases whenever conference fails to avert war.

It is not a little significant to note that the features of the League most valued by many of its ablest advocates are features which not only would be unaffected by this transformation, but are themselves much more in harmony with the ideal of conciliation than with the principle of coercion. Reduction of armaments is a case in point. The policy of open diplomacy is another. A standing council of conciliation equipped to turn the pitiless ray of publicity upon all international transactions would quickly prove its value to the world. The mediatorial function can hopefully be undertaken by a council without power to bind, while upon a strong executive organisation such a function is merely an excrescence.

The atmosphere of a league for international conciliation is congenial to all the economic and social reforms referred to in the Covenant. Indeed there are multitudes of people who have merely tolerated and excused the coercive features of the Covenant in order to secure the many real advantages for which it makes provision. To eliminate all hints at coercion and commitment would gratify the vast majority of League members and satisfy its most determined opponents.

It is not unusual to refer contemptuously to a league for conference and conciliation as a mere debating society. Such a taunt falls usually from the lips of those who are incapable of appreciating the value of conference as an agency for bringing minds into accord. With much greater justice might contemptuous reference be made to the present strong executive Council of astute politicians representing the fighting nations of the world and masquerading as the promoters of peace. Neither taunt is just, and neither should be made. The plain fact is that world-wide organized coercion must fail, and that, for lovers of peace and order, the true choice is between international chaos and a league dedicated to the ideal of conciliation and to the method of conference.

It is in such a league that the United States may be of maximum use to other nations. Circumstances are compelling the people of the United States to work out within their border the racial problems which underlie the world's unrest. Great racial groups that find it possible to live together in unity under one flag may have something of value to contribute to the settlement of overseas disputes between their brothers in blood. The same fact that makes an alliance for coercion impossible for America discloses in a league for conference America's greatest opportunity.

LABOR AND THE LEAGUE OF NATIONS[1]

The League Constitution (Article V) makes it virtually impossible for even the Executive Council to take any important step without the unanimous consent of all important members of the League. "Decisions at any meeting of the Assembly or of the Council shall require the agreement of all the members of the League represented at the meeting." Under this provision any one nation with a representative on the Executive Council could block every vital League activity.

The Constitution contains three main provisions and several minor ones. The three chief provisions are concerned with armaments, war and colonies.

The article dealing with armaments (Article VIII) begins with a statement that "the maintenance of a peace requires the reduction of national armaments to the lowest point consistent with the national safety." Therefore, "the Council . . . shall formulate plans for such reduction for the consideration and action of the several governments." In other words, any provision regarding armament reduction must be ratified by the nations in question before they become effective. In case a new member desires to enter the League it "shall accept such regulations as may be prescribed by the League in regard to its military and naval forces and armaments." (Article I)

The initiators of the League reserve to themselves the right to retain their own armaments and at the same time the League as a body is in a position to limit the armaments of any new members admitted. Under these circumstances it is interesting to note that neither Germany, Austria, Hungary, the Ukraine, Mexico, Finland, nor Russia is on the list of states which are to be invited to accept the Covenant in its present form. These

[1] From pamphlet by Scott Nearing. p. 6-22. Rand School of Social Science. New York. 1919.

states, when applying for membership in the League, would have their armaments limited at the discretion of the League and without any necessary relation to the armaments of League members.

The League Covenant is concerned chiefly with war. Its preamble opens with the words, "In order to promote international cooperation and to achieve international peace and security." Sections XI to XVII deal exclusively with the problem of war. All of the "war" provisions of the Covenant deal rather with the regulation than the prevention of war.

Nowhere among these vitally important sections is there any provision that will give the League effective power. The League has no army. The League has no navy. The League is without a treasury. Nations are to submit to arbitration questions which they recognize as suitable. The international court has power in all disputes which the parties submit to it. The League Council is to enforce decisions by recommending that nations provide certain military and naval forces. The organization lacks backbone, vitality, unity and executive authority.

The third important provision of the Covenant relates to colonies and dependencies. During the war there was a great deal of talk of self-determination. In the League Covenant the word is neither mentioned nor hinted at. Each of the Allied nations keeps its own colonies and dependencies without let or hinderance. With respect to enemy possessions, however, Article XXII provides that their well-being and development shall "form a sacred trust of civilization" and that the tutelage of such people shall be entrusted to advanced nations which "can best undertake this responsibility, and who are willing to accept it." In certain cases, however, where the possession in question "can be best administered under the laws of the mandatory as integral portions of

its territory," the mandatory nation is permitted to absorb the mandatee.

Like cargoes of silk and spices, like so much brick and mortar, like chattels in the world's markets, the tens of millions of people inhabiting the German colonies and the Turkish possessions are thus distributed among the Allied nations without being permitted a word in the decision of their own fate.

"Open covenants of peace openly arrived at" was included by President Wilson in the first of his fourteen points. Article XVIII, dealing with treaties, provides that "every convention or international engagement entered into henceforward by any member of the League shall be forthwith registered with the Secretariat, and shall, as soon as possible, be published by it." Treaties are to be made, registered and then "opened" to the world.

The League Covenant is practically unamendable. Section XXVI provides that amendments are to take effect "when ratified by the members of the League whose representatives compose the Council and by a majority of the members of the League whose representatives compose the Assembly." This means approval by the governments of the "Big Five," of the four other nations represented in the Council and of enough additional nations to give a majority in the Assembly.

The League of Nations as proposed in this Covenant consists of a political arrangement between the Allied and certain neutral nations. The document contains no important economic provisions. The machinery is intensely undemocratic. Under the Covenant as drawn, every member of the Assembly and of the Executive Council may be appointed by the Premiers of the nations involved. Not only is there no provision for the general election of delegates, but there is no provision for recall or for the responsibility of the delegates to the people of their respective countries. Furthermore, the five nations with the big armies and the big navies always select

five out of nine members of the Council and thus may always direct the affairs of the League. In addition, any one nation by veto may hold up any single important League decision.

The organization of the League is undemocratic. Its machinery is impotent. The Council is vested with authority but it has no real power. The League is little more than a voluntary association of governments—a treaty more general than those which have proved so ineffective in the past.

So much for the text of the League Covenant.

Who wrote it?

The League Covenant was originally written behind closed doors by a commission of the Peace Conference. It was amended in the same manner. Eventually, it was adopted without alteration or amendment by the entire Conference.

The Peace Conference is an extraordinary gathering, —one of the most extraordinary in the history of international negotiations. Five nations have organized and dominated the entire Conference. These nations are: Great Britain, France, Italy, Japan and the United States. The decision of the "Big Five" to run the entire conference was announced on January 20th, 1919, when the rules of the conference were published. Rule 1 reads as follows:

> The belligerent powers with general interests—the United States of America, the British Empire, France, Italy and Japan—shall take part in all meetings and commissions. The belligerent powers with particular interests—Belgium, Brazil, the British Dominions . . . shall take part in the sittings at which questions concerning them are discussed.

What was the meaning of the phrases, "general interests" when applied to the "Big Five," and "particular interests," when applied to Belgium, Brazil, the British Dominions, etc.? The answer is plain. The five nations with the big armies and the big navies had "general interests," and the other nations, irrespective of their re-

lation to the war, had "special interests." Belgium had suffered irretrievably; Japan has suffered not at all, and yet Japan is represented at all of the sessions, and Belgium only when she is invited.

Such was the spirit behind the organization of the conference. A big army and a big navy was made the price of admission to the inner circle. The center of organized might had shifted from Berlin to Paris.

The delegates to the conference were appointed by their respective governments. Not one member was elected by the people whom he purported to represent. The Peace Conference was a conference of representatives chosen by governments—not by peoples.

This fact is clearly reflected in the names and positions of the conferees. The war was fought presumably for democracy and liberty, yet three of the "Big Five" are monarchies and only two are republics. The representatives of these monarchies were counts, dukes and barons. England sent Bonar Law and Balfour; Italy sent Sonnino and Orlando; Japan sent one marquis; one count and three barons.

The names of the Peace conferees are not the names of the well-known champions of democracy. On the contrary, they are the names of the men who have been playing the vicious game of back-stairs European diplomacy for a generation. Among them are the same men who signed arbitration treaties and broke them; who established the Hague Tribunal, and ignored it, and who finally drew up the infamous "secret treaties," under which they agreed for a price upon the conditions of war and bloodshed.

France in her secret understanding prescribed:

1. Alsace and Lorraine to be returned to France.
2. The boundaries will be extended at least to the limits of the former principality of Lorraine and will be fixed under the direction of the French government. At the same time strategic demands must be taken into consideration, so as to include within the French territory the whole of the industrial iron

basin of Lorraine, and the whole of the industrial coal basin of the Valley of the Saar.

Alsace and Lorraine are thus re-christened Iron and Coal.

Italy made a bargain under which the Allies agreed to give her Trentino and the entire Southern Tyrol; the province of Dalmatia; "her right to receive on the division of Turkey an equal share with France, Great Britain and Russia in the basin of the Mediterranean," and a share in the division of Africa. In addition (Article XIV), "England obligates herself to assist Italy immediately to negotiate on the London market on advantageous terms of a loan in a sum not less than £50,000,000 sterling"—whereupon Italy entered the war.

Similar treaties were drawn up between Russia and Japan with regard to the partition of spheres of influence in China.

The statesmen, who brought Europe to the verge of chaos, who were the leaders in guiding civilization to the precipice, sat down at Paris and drew up the Covenant for the League of Nations. The empires which have been contending for the world's mastery, the governments partially responsible for precipitating the world war, are, many of them, the powers in the League of Nations.

The "Big Five" all are investing nations. At the beginning of the war Japan had her investments in Korea. Italy had her investments in Africa and Asia Minor. France had her investments in Russia and in other undeveloped countries. Great Britain had $20,000,000,000 invested abroad in 1914. The United States at the present time, is busy investing in Mexico, Central America, South America and China.

Great capitalist nations are compelled, whether they will or not, to invest surplus, otherwise it piles up, creating financial difficulties. They invest the surplus where it will bring the largest return, which usually means in the development of unexploited countries.

The last forty years have witnessed the growth of capitalist imperialism—the foreign investment of economic surplus. Frederick C. Howe has described the process ably in his "Why War?" The same field is well covered by an English economist, J. A. Hobson, in his "Imperialism."

Each of the "Big Five" nations is busy with its policy of financial imperialism. Within each of the "Big Five," the working class has been struggling for generations. In Japan, the labor movement has been stamped out with unexampled bitterness. In the United States, a vigorous attempt is now being made to crush it. In Great Britain, France and Italy, the labor movement has gained some power, but no visitor to any of these countries in 1913, could fail to observe the frightful havoc that capitalist exploitation had wrought among the industrial workers.

There is another matter of supreme importance that is inseparably connected with any consideration of the League of Nations. Will the League prevent war?

Plain people everywhere are asking that question. Statesmen have answered that the League could be relied upon as an agency for the promotion of peace. The first words in the League Covenant are: "In order to promote international cooperation and to achieve international peace and security." The plain people want peace. They look eagerly to the League as a means for its establishment. No Covenant, no League of Nations, no organization of that system of world empire which triumphed over the Central Powers can be expected to preserve world peace. Only a peace between equals can last. The Central Empires are humiliated and beaten. The triumphant Allies, unequal in their wealth and in their military strength, already have displayed the most brutal indifference toward colonials, the inhabitants of dependencies, and toward the smaller nations themselves.

There is a far more important reason why the League cannot bring world peace. The causes of modern war

are economic. These causes the League Covenant, as it is drawn, ignores utterly.

This formula is generally accepted in the business world. The masters of American industry are now preparing for the next great war. There is no section in the entire document which even faces, much less attempts to solve, the problem of markets, trade and investments.

Professor Edwin M. Borchard, Professor of International Law, Yale University, writes (LaFollette's, April 1919, p. 65): "True, more machinery is created; but it seems calculated merely to prevent the operation of inevitable effects resulting from causes to which very little thought appears to have been given. Tariff barriers, trade and investment preferences and monopolies, racial discriminations, the nationalistic control of important trade routes and of backward areas with their raw materials, military and naval rivalry or attempted monopoly, a more intense economic competition than ever before, all these are given full sway; but we are asked to place our trust in a document by which the now dominant nations expect to prevent the inevitable results of these causes, to save themselves from the consequences of their own acts and weakness."

CRUSADERS FOR THE LEAGUE [1]

What has the League done for peace? It has "settled four major international disputes." These were:

1. The *Finnish-Swedish* dispute over the Aaland Islands—a trifle more important than the recent Panama-Costa Rica dispute.

2. The *Vilna* dispute, wherein the League attempted an honest settlement. But when Poland refused to bow to the League the League bowed to Poland, leaving as its "settlement" a new aching Alsace-Lorraine to trouble the peace of Europe in coming decades.

[1] From Nation. 116 : 644. June 6, 1923.

3. The *Upper Silesian* dispute. Let Mr. Lloyd George, an advocate of the League, describe the action of the League in the case of Upper Silesia:

> In Silesia two powers of great authority in the League—France and Poland—were passionately engaged in securing a result adverse to Germany. The other party to the dispute had no friends and was, moreover, not a member of the League. Britain stood for fair play, but it was not a protagonist of the claims of Germany. Poland had a powerful advocate in the League, a country with a vital interest in securing a pro-Polish decision. In these circumstances the League ought to have exercised the most scrupulous care to avoid any shadow of doubt as to its freedom of all bias. Had it chosen distinguished jurists outside its own body to try the case as it did in the Aaland case, all would have been well. It preferred however, to retain the matter in its own hands. Hence doubts and misgivings with which the judgment of the League has been received.

4. The *Albanian-Serbian* dispute. Here the record shows that the League refused to take any action until after the Conference of Ambassadors had settled the major point at issue (unless advice to the conference to hasten its decision may be called "action"). When the ambassadors had settled the boundary-line and the British had lectured Serbia into withdrawal from Albania the League stepped in with a sort of commission of evacuation and claimed credit for the whole.

The Covenant of the League, it will be recalled, provided also that "any war or threat of war, whether immediately affecting any of the members of the League or not, is hereby declared a matter of concern to the whole League." Yet wars have come and gone, and the League has done nothing. It has done nothing in the Near East; it has done nothing in the Ruhr; it has been silent where a voice for peace has been most needed. Meanwhile its administration of the mandates has camouflaged such colonial crimes as the bombing of South African Hottentots by British airplanes, the conscription by France of black "wards of the League," and in the Saar Valley, within two hundred miles of the League's headquarters, it has palliated what Mr. Asquith has called a

"monstrous specimen of despotic legislation" without parallel in Czarist Russia. When the League dealt with the opium traffic it substituted for the Chinese proposal of restriction to "medical and scientific needs" the words "legitimate uses," thereby condemning India to further debasement in the interest of British government revenue.

There are good men working in the League and for the League, and the intentions of the American people are good. But that is not enough. When the Covenant of this League was first presented at Paris The Nation wrote that it was "the memorandum of a working arrangement having in view the organization and apportionment of the material results of victory . . . a permanent constitution for the cabinet conferences of the Great Powers which have been settling the affairs of the world since the armistice." There has been an earnest effort to make it something better, but the effort has not succeeded. The Covenant remains the same; the domination of the League by the allied powers is still secure; Germany and Russia are still outlaws. The Nation is no isolationist; we realize the interrelation of Europe and America. The League may reform itself and change its character, but the lesson of Paris and Versailles is fresh in our memories. It is our profound conviction that if the United States should join the League at any time in the near future the effect would be, not to bring peace and alleviation to Europe, but to strengthen, by our alliance with them, the disruptive forces that have been dragging Europe steadily downward since 1914. Let our pro-League friends drop for a moment their moral fervor, study the facts, not the theory, of this League, recollect Paris, and beware.

FUTURE OF THE LEAGUE OF NATIONS [1]

It is, to say the least, curious, that in an age which is persistently declared to be devoted to freedom and

[1] From East and West. 20 : 23-31. January, 1921.

nationalism, an instrument should be put forward for adoption which is designed to restrict the freedom of nations. A nation is no longer to be its own judge of the meaning of the obligations it has entered into. India ought to know what this means. When Dalhousie asserted the principle that the British were to be the sole interpreters of the meaning of treaties with Indian Princes, he thereby reduced them to the position of dependents. And when the League makes itself the sole and final judge of the meaning of treaties, it reduces the nations of the world to its vassals. The meaning of the wide words usual in commercial treaties might easily be interpreted to involve a liability to admit an influx of foreigners which would revolutionize the industrial and social life of a country. Nations, again, are to be tied down to common standards of labour and transit, by conventions the interpretation of which may imply a liability to outrage the deepest sentiments of their population. Freedom within due limits of fitness is best secured in small communities where personal fitness can be readily appraised. A world-community of benevolent cast-iron regulation from Geneva could only be a benevolent despotism camouflaged by pretences of consulting the thousand million people of the globe it might be. Such an absurd pretence could be no more than a mockery.

To be sure, the League has very shadowy powers. It is at once both weak and dangerous. In itself it has little or no force. But it may be made the instrument of world-tyranny. It is in the use which may be made of it by bold and designing men that its danger lies. In itself, it is as weak as water. Nothing need be arbitrated, so as to involve an obligation to carry out the award, unless both parties like. If they do not like, the only result will be that the Council of nine will investigate the case, and if it is unanimous—which in these days of *ententes* is hardly likely (except in the case of a weak power)—in recommending a settlement unfavourable

to one side, the defeated party is barred from going to war to enforce its view. I should strongly recommend weak powers to make warm friends with Belgium, Greece, Spain or Brazil, which all are on the Council.

War is not forbidden. It is only delayed for three months after the arbitration by the chosen tribunal or by the Council of nine, as the case may be, in the case of "disputes." All wars do not arise out of disputes. They arise out of fears and necessities. And although it has been convenient in the past to seek occasion for them in some concrete "dispute," it is by no means necessary. A may knock down B because of some "dispute": but he may also knock down B in self defence; and there is nothing whatever in the League to prevent one nation from invading another in self-defence against a supposed imminent attack. Such a war would not be within Article XVI of the League, as a war in disregard of Article XII, XIII or XV, and as therefore putting the warring state under ban of the League. For these Articles apply avowedly to "disputes." They cannot apply to cases where a state is in imminent danger of immediate violence. That is not a dispute;" nor can a state be expected to expose itself to invasion whilst taking the (unanimous) advice of the Council under Article X, or inviting it to take (unanimous) action under Article XI. The opposing state may not be obviously in the wrong. It may be just as apprehensive of invasion by our supposed nation as the latter is apprehensive of the invasion by itself.

The League, therefore, does not inhibit war, does not make it compulsory to arbitrate effectively, does not compel more than a short delay in the warlike settlement of disputes. Its real strength and danger lies in the mere fact of its organization. It provides the framework on which a real organization for the coercion of the world can be prepared. The consultations between the councillors, the habit of acting together which they are likely to form, and the general acquiescence with which their

decisions will probably at first be received, will tend to invest them with the powers of legislators for the world. The Council has perhaps no express power to legislate: though this might be inferred from its power to "deal with" any matter affecting the peace of the world. But, like the *praetor* at Rome, it has only to let its probable future action be known, in order to legislate in effect with as much force as any parliament or judge. If its powers of commanding the united forces of the great nations are unchallenged, then it will not matter that no provision of the League exists directing that the awards of tribunals and the decisions of councils shall forcibly be carried into effect. For the Council will certainly see that they are!

Suppose, for instance, that some state has peculiar ideas about labor—that is prefers long hours under pleasant conditions to short hours of hard and remorseless toil—and that some industrialized state raises a "dispute" against it, alleging that it ought to conform to generally accepted ideas regarding hours of work. The Council, staffed by officials under the obsession of the fashionable theories, decides that our supposed state ought to modify its labour laws. It appeals to the Assembly (as it may) and a bare majority are against it. It now lies open to war on the part of the industrialized state, which (after three months) would not be acting contrary to Articles XII, XIII or XV, in waging war against it. But does anybody suppose the industrial state would be left to make war alone? Certainly not: the Council and the majority of the Assembly would infallibly combine to crush the dawning opposition to their ideas—which would seem to them the only sound ideas. It could be only a short step from this to a state of things in which the sovereigns and peoples of the several states would be the obedient servants of the world council liable to be tried and shot if they rebelled against its decrees.

The hope of the future lies in variety. The action of

the League will tend to produce a grinding uniformity. And this the American Senate realized.

The Senate is, itself, the vestige of an attempt made in the early days of the Union to set up against the dead weight of numbers and omnipotent majorities a check based on other than numerical considerations. The check is based on sentiment and the imponderable magnificances of life. In the Senate numbers are not everything: to put it crudely, counting does not count. Nevada, with eighty-one thousand people (about the population of Westmoreland) returns her two Senators (I presume), exactly as does New York with nine million.

A body so chosen has natural inducements to remember the value of independence, and the limitations on the omnipotence of majorities. And, reflecting that the institution of a world order needs only the voluntary supply of force by those who work the machine, to make it a world government, they have realized the threat to American independence which is latent in the League.

They do not deceive themselves by relying on the provision that the domestic jurisdiction of states is not to be interfered with. Their own history teaches them very plainly what is the effect of such a provision. Because a clause of the Constitution gives the Federal authority power to regulate interstate commerce, the Federal authority has been conceded power to supplant the state authority over state railways, wholly and completely, because they sometimes carry interstate traffic. Because a Federal judgment is declared to be binding on states, the Federal authorities have been allowed to issue Federal execution on a state—as a "natural consequence." The history of the United States, in short, is one long series of demonstrations that the state cannot stand against the Federal power.

It may be true that the history of the Germanic Confederation was an equally prolonged series of demon-

strations that the federal power could not stand against a vigorous state,—Austria or Brandenburg. But most modern precedents are the other way. The Senate may be excused if it sees in an active and united Council an instrument of encroachment.

It is very remarkable that in these self-styled democratic days an instrument of democracy should have been created which has a permanent, irresponsible and self-elected House of Lords! For such the Council is—only with a coherence, a handiness and a degree of executive power of which the House of Lords never dreamt. The casual, crowded and heterogeneous Assembly but little in touch with the permanent officials, and uncertain as to what force (if any) it can in the last resort command, will of necessity be of little account in comparison—especially as the Council powers must concur in its decisions on disputes in order to make them effective! The only reason which would lead us to suspect the validity of this conclusion is the unanimity with which it has been made.

There is not even any pretence of democratic selection of the Council powers. Who chose Spain, Belgium, Brazil and Greece? Nobody that you or I know much about? Why Spain was selected rather than Holland: why Greece, which has been kicked about like a football, should have been selected at all, are mysteries which are beyond democratic comprehension, as much as they are beyond democratic control. In fact, democratic control, as Rousseau and all great democrats have said, is possible only in very small communities. The difficulties of combination and expression make the population of large communities obliged to accept the will of self-elected oligarchs—whether these oligarchs be styled party leaders, bosses, demagogues or under-secretaries of state.

It is possible to do full justice to the excellent motives of many who clamour for the League. All are not Wil-

sonite election agents, cosmopolitan concession-hunters, or brainless pacificists. Many sincerely believe that as peace is preserved in a nation by police, so it can be preserved between nations by police. More believe that whatever the faults of the League, it cannot be worse than war. These are amiable, well-meaning and thoughtful people. But they do not think hard enough. The solution of these great problems of world-government demands the hardest and severest mental labour. Good-natured aspirations which stop short of an easy solution are quite useless. As Bagehot was fond of saying: "The work of the wise in this world is to undo the harm done by the good."

The concrete fact which would be developed in the League, if it were even more than an alliance, would be the existence of a small body of men wielding world-wide and almost dictatorial powers. Nothing which is on so vast a scale can be really open to efficient control from below. The parties of English politics—the Trade Unions of English labour—the propaganda of Muscovite Bolshevism,—the settlement of post-war Europe—are all controlled by managers who are in fact selected and invested with power by just the same processes and intrigues as those by which autocrats arrive at domination. Vast populations can only be managed by machinery; and power will vest with those who manage the machine. Those who manage the machine termed the League of Nations will have a tremendous power which they will be more than human if they do not use to promote their own conceptions of what is good for humanity. The so-called popular control of the governments that appoint them is even in the freest countries, a palpable farce. Take Great Britain. If the population is not subjected to the will of the bureaucrats and plutocrats of the Coalition, it must inevitably be subjected to the will of the cranks and

bureaucrats who run the Labour Party. A world-bureaucracy is the inevitable outcome of a League of Nations: and the conventions regulating labour and transit are the obvious channels of its accomplishment. These formally invest the League with the power of interference in domestic concerns—for the conventions are treaties, and every asserted breach of a treaty is an arbitrable dispute.

Just as the Federal authority in the United States has seized on the Interstate Commerce clause of the Constitution to interfere in the domestic affairs of the states, so the Council will inevitably be led through these conventions to the position of a world legislator.

Nor will the League save the world from war—nor even diminish the danger of war. Our existing state organization may, indeed, have put a stop to the little private raids of earl on earl and baron on baron. But it has led to a state of things in which millions have been driven to the slaughter under the most horrible conditions of torture and foulness. The contemplated world order, attempting to impose the ideas of a narrow bureaucracy upon the whole earth, cannot but in the end lead to universal conflict. The Council powers may combine their forces of gas and flame and germ: but their agents will be divided against themselves; and their cold remoteness from the common man will in the end revolt him. Interference in the home, wherever children or labour are concerned, will precipitate the crisis. Civil war, issuing in general anarchy, is likely to be the issue.

And the melancholy thing is that there is no need for this apparatus of the world-dominion; nor for the camouflage by which it is represented as a harmless apparatus of advice. All that was needed was a firm declaration that under no circumstances would any one state be permitted to invade another, or to touch its ships. True, this would allow the Swiss, as an eminent Irish thinker has remarked, to boil English tourists alive in Berne. True,

it would prevent an oil trust from securing its foreign property by force of gunboats. True, it would prevent a strong country's helping itself to a right of way across a weak one. But some risks must be run: and these might be better to incur than those of world tyranny or world war.

The common sense of the world has realized it. The American Senate has expressed it. The true analogy of peace between forty or fifty nations is not that of a policed body of four or five millions, but that of a club or family in which mutual respect and concession are the paramount considerations. Forty or fifty people on a desert island would be very foolish to set up a magistrate and policeman! The family of nations would be particularly foolish to imitate them and America has been the first to realize it.

It is hoped that the objection which some may have felt to the action of the United States Senate may disappear on a candid examination of these considerations. Political rivalries may have played their part in this little bit of history; but these sorbid motives are not the predominant ones. The deep instinct of America, expressed through the Senators, is that this League, in so far as it is not useless, is dangerous. That it is the thin end of a wedge which will depose America from her proud pedestal of self-determination, and convert her into a cog-wheel in the machine of world-finance. That the true need of the time is the reaffirmance of the American ideal of freedom and independence, in opposition to dictation, however benevolent. That America can best perform her duty to the world, not in isolation from the Old World, but in refusing to take a hand in its disputes. That, in short, while a league to prevent war under all circumstances might be desirable, this is not such a league: but rather a league to prevent war by multiplying interferences with domestic concerns.

INTERNATIONAL BANKER'S VIEW OF THE LEAGUE OF NATIONS[1]

The League has rendered service, though not always free from undue pliancy, in certain matters which were specifically referred to it, as they might have been referred, following not infrequent precedent, to a body created "ad hoc;" it has usefully undertaken certain functions of a non-controversial character; it has proved itself an appropriate instrumentality for international ministrations such as in the matter of the control of the trade in narcotics, the prevention of the "white slave traffic," etc., and its gatherings at Geneva have been indicative of a praiseworthy spirit and endeavor on the part of the delegates, though not always on the part of the governments they represented.

But in matters where really far-reaching interests and real conflicts were involved in the case of nations who felt themselves strong enough to resort to force, the League has been found irresolute and impotent and was coolly left aside by those concerned.

Greece, a member of the League, goes to war with Turkey, Poland appropriates Lithuanian territory by force, Lithuania appropriates Memel by force—the League looks on. Article XI of the Covenant provides that it shall be "the friendly right of each member of the League to bring to the attention of the Assembly or of the Council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends." And it is further stated in a subsequent article: "Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which if established would constitute

[1] From article by Otto H. Kahn. Financial Review. 17 : 77-87. September, 1923.

a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration." France and Belgium occupy the Ruhr—and the League is disregarded, in fact, warned off.

Whether France and Belgium did wisely and rightly, or not, is not a question which affects the points I wish to make as against the contention that America's absence from the League is to a considerable extent responsible for the continuing unsettlement in Europe.

A distinguished English publicist, Mr. J. A. Spender, a strong adherent of the League idea, stated in a recent article: "The League thus in the last resort represents the play of forces in governments composing it, and as at present constituted it can do nothing else."

He would be a guilelessly optimistic man indeed or one little acquainted with the elements underlying the policies, aims, dispositions and methods of governments on the European continent, who would really believe that American participation in the League would have had the power and effect to overrule or eliminate those elements.

The carefully designed provisions above quoted have proved largely illusory thus far.

As the examples of Poland, Lithuania and Greece have shown, notwithstanding Articles X to XVI, the League, its delegates being necessarily subject to the orders and policies of the governments of the nations composing it, is impotent to prevent war or the use of force. As the action of France and Belgium has shown, the League is not looked upon by them as capable to guarantee their security, or to adjudge and to obtain their rights.

As the military conventions concluded between various European nations, and their intensive military activities

have shown, a number of the governments represented in the League are not prepared, in the light of their primary national duty as they see it, to shape their policies by the chart and the spirit which the Covenant is supposed to embody, and seem to interpret some of its provisions more or less in a Pickwickian sense.

Within recent weeks a dispute between Hungary and Roumania, the subject and disposition of which are clearly within the province of the League, was brought before it upon the initiative of the Hungarian government and, according to reports in press, the Roumanian government refused to countenance interference by the League and as one correspondent put it, snapped its fingers at the League.

It is true that fifty-three nations have joined the League, but that fact does not make upon me the impression which, on the face of it, it would appear to justify, nor does it seem to me to validate the argument which the advocates of the League base thereon. Being given the preponderating power and prestige of the four orginating great powers, Great Britain, France, Italy and Japan, and the belief widely prevalent that America would join, it is hardly to be wondered at that almost all the nations invited to enter the League accepted that invitation. Has it not happened to a good many of us that, without too closely scrutinizing details or even without being in full accord with the provisions of the by-laws and statutes, as fixed, we joined movements or organizations with the professed objects of which we were in general sympathy, especially when the first few names on the list submitted for our signatures were of particularly high standing and commanding prestige?

The League as constituted is not what those sincerely devoted to the furtherance of international peace and fair dealing among the peoples meant and aimed it should be. In my opinion, it will not and cannot be that, under the

fundamental and regulative principle of its being. I hold that opinion because, apart from all other considerations, there is, as I see and understand it, one basic fault in the very conception of the Covenant, namely, the fatal fact that the League is called upon to perpetuate, maintain and defend that Europe which was set up under the peace treaties by the fiat of three men sitting in secret council in Paris. Indeed, that is the very cornerstone of the Covenant, and that cornerstone is far from being "well and truly laid."

I have repeatedly addressed the following argument and questions to advocates of the existing League. I have addressed them lately to Lord Robert Cecil, for whose ability, highmindedness and sincerity I have the utmost respect, and I have yet to hear an answer which, to my mind, meets that argument and the questions based thereon:

The makers of the peace treaties created a new Europe. In doing so, they disregarded or circumvented the wise and far-sighted "Fourteen Points" in spite of the solemn promise that these stipulations were to form the basis on which the peace would rest.

In drawing new frontiers and determining new sovereignties and decreeing the annulment of time-tested actualities, they gave scant heed to the teachings and developments of history, to the proven qualities or disqualities of races and to economic realities and results. They imposed arbitrarily one-sided conditions, they multiplied customs-barriers, they tore up highways of commerce and intercourse, and impeded channels of trade which had existed for generations, they intensified racial antagonisms. In the name of the doctrine of "self-determination" and, in other instances, in despite of that same doctrine, they placed millions of people under unnatural sovereignties, without plebiscite, without any ascertainment whatever of such people's own choice.

And then they said: "This is the year one. From this day on as we three men in our wisdom have determined it, so Europe, Asia and Africa shall look and move. As we have disposed of the world, thus it shall remain forever."

They had had pressed upon them by American idealism the fine project of a League of all the Nations to strengthen international justice and preserve peace. Most of their diplomats and politicians engaged in the Paris negotiations—with some outstanding exceptions such as Lord Robert Cecil and General

Smuts—had looked upon it with skepticism, some with outspoken aversion, but when they found that President Wilson had set his heart upon it beyond anything else, they used it skillfully for obtaining his consent to peace conditions which otherwise he would never have sanctioned.

And further, upon reflection they discerned in it a useful instrument and guarantee to attach to the war settlements. So they cheerfully embraced and designedly elaborated the scheme of a League of Nations, a matter which ought to have been one of growth and evolution and wholly separate and distinct from the war settlement, and called upon that League to preserve and perpetuate the structure of their peace treaties. And they declared through the Covenant, in effect, that whoever touches that structure, is to be considered the common enemy of mankind, and all the nations shall unite against him.

But that structure does not warrant such sanctification. Some of its arrangements, such as that pitilessly truncated Austria, that despoiled Hungary, that jagged eastern frontier of Germany, do not appear conformable with either equity or good sense, nor do they augur well for stability or assured peace.

However ardent, vivid and rightful our sympathy with the peoples who heroically defended their countries and the universal cause of right against the monstrous assault of Germany and her allies, however unquestioned the right and indeed the duty of the victorious nations to assess severe and exemplarily deterrent penalties for the cruel wrong and appalling suffering inflicted upon them, however unassailable their warrant to obtain security for the future and reparation for the past, yet it has now become recognized by well-informed and fair-minded men everywhere that the peace-treaties are affected with grave faults of spirit, judgment and intent.

"But the League, even though fifty-two of its fifty-three members might desire and vote to apply modifications or, at least, mitigations, cannot change one iota in those treaties. On the contrary, it rests upon them and is bound to maintain and defend them. I do not mean to say that the League ought to have power to alter treaties. Indeed, that would be unthinkable. I merely register the fact, and its implications that, of course, it has no such power.

My questions are: How are you going to get away from the congenital taint of the League, which consists in its being inseparably attached to, and made the preserver and guardian of, the war-settlements?

However right and sympathetic the theory and conception of a League, *this* League is sitting on a platform loaded down with, and made precarious by, the defects and obliquities of the peace treaties. It has no power to remove or modify any of these ill-conceived ordinations. No disposition to do so has been shown by those who were meant to benefit from them. Who else will and can, and how? And unless they are removed or modified or, at least, substantially mitigated by voluntary action,

how can the League reconcile its undertakings under the Covenant, with the moral purpose supposed to underlie its conception or with the practical attainment of a peace which shall be genuine and lasting because based upon enlightened justice and fair dealing among the nations?

What then is the answer? Are the results of the handiwork of those who bungled the task of making a peace which should bring the dawn of a nobler day, so incorrigibly fatal that the high aspirations which animated the peoples of the allied nations during the war and steeled them to untold sacrifice and heroic endurance are doomed to be frustrated?

Must the fine and universally acclaimed purpose to substitute fair dealing and good-will among the nations for the hideous brutality of war, and to cut the ground from under the sinister growths of international fear, suspicion, covetousness and animosity,—must that high purpose be once more abandoned and the world, sullenly and hopelessly, confess itself impotent to deal with its conflicts other than by the horrors of armed conflict?

Must America stand aloof and turn a deaf and callous ear to the plea of those in Europe who call upon us,—our views and sentiments unclouded by fear of anybody or by racial animosities nurtured through centuries,—to bring our disinterested judgment, our well-meaning intent, and our practical cooperation to bear upon the problems, the unsettled state of which keeps the old-world in distress, turmoil and rancor?

With due diffidence, I venture to suggest the following as indicating what seems to me a line of approach to an answer to these questions:

Let the League of Nations set the example of that repudiation of force, which constitutes the true underlying purpose and justification of such an organization. Let it cut out from the Covenant everything which smacks of compulsion. Let it confine its *political* functions solely to being a body to which any nation that feels

itself aggrieved or menaced or troubled, can carry its case, and which will examine such case fearlessly and fairly and seek to find redress by no other means but the use of its good offices, the might of public opinion and the appeal of justice.

Some of the devoted advocates of the League say that this is, in fact, its platform and that it does not mean to avail itself of the power of coercion conferred upon it by the Covenant; that, in fact, that power could not be called into operation even if wanted. If that be so, then let the Covenant say that this is its meaning. Let it formally and unmistakably eschew all thought and potentiality of coercion.

Let the League reject every aid and instrumentality but that of rightly informed public opinion. Let it rely upon that and that only to prevent aggression, to deflect menaces and to right wrong. It needs no other weapon. It can find none other as powerful for good.

This is not the talk of a sentimentalist. All history shows that the mills of the gods do grind, and that the nation which defies the conscience of the world, and scorns justice, will ultimately pay the penalty, as Germany did in spite of all her seemingly invincible power.

If that were done, if the League voluntarily stripped itself of every means of action but that of reliance upon public opinion, if it were relieved of peremptory involvements in the war settlements, then I for one venture to think that America's just objection would be overcome and that she could take her place in a council of the nations. And I feel well assured that *such* a council, in due course of time, would develop effectively into that blessed instrumentality for peace and righteousness among the nations which is the hope and aim of all right-minded men.

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